UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/237,021	09/09/2002	Jeff Scott Eder		4883

53787   7590   07/11/2007
ASSET TRUST, INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

EXAMINER
PATS, JUSTIN

ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
07/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/237,021	EDER, JEFF SCOTT
		Examiner	Art Unit
		Justin M. Pats	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after t he mailing date of this communication, even if timely filed, may re duce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2007*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *59-98* is/are pending in the application.

    4a) Of the above claim(s) *59-82 and 87-98* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *83-86* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 September 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1.   The following is a non-final office action. In response to the Election/Restrictions

requirement of 2/22/07, Applicant has elected claims 83–86 for examination. Claims 59–82, 87–

98 are withdrawn at this time. Claims 1–58 have been cancelled. Claims 83–84, 86 have been

amended. Amendments to the specification and claims dated 8/21/03, and 8/8/04 have been

entered. Further amendments to the claims on 11/3/04 have also been entered. Claims 83–86 are

pending in this application and have been rejected below.

Election/Restrictions

2.   Claims 59–82, 87–98 have been withdrawn from further consideration pursuant to 37

CFR 1.142(b) as being drawn to nonelected subject matter, there being no allowable generic or

linking claim. Election was made **without** traverse in the reply filed on 4/25/07.

3.   As per Applicant's statement that the elected claims belong in class 717, 718, or 719,

instead of class 705, on 5/1/07, Examiner consulted Supervisory Patent Examiner Meng An,

whose art unit 2193 examines cases in the above purported classes. After reviewing the claims

and the remainder of the disclosure, Examiner An determined that the case was correctly

classified in 705 and did not belong in 717, 718, or 719. Therefore, no classification transfer has

been made.

Claim Objections

4.   Claim 83 is objected to because of the following informalities: in the preamble, the

phrase "managing a applications" should read "managing applications". Appropriate correction

is required.

5.   Claim 84 is objected to because of the following informalities: the term "measures"

should read "measure".

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

7.   Claim 83 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

8.   Regarding claim 83, the phrase "enables" is used. Applicant(s) are reminded that optional

or conditional elements do not narrow the claims because they can always be omitted. *See e.g.*

MPEP § 2106 II C: "Language that <u>suggest or makes optional</u> but does not require steps to be

performed or does not limit a claim to a particular structure does not limit the scope of a claim or

claim limitation. [Emphasis in original.]"; and *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788,

1790 (Fed. Cir. 2006) ("As a matter of linguistic precision, optional elements do not narrow the

claim because they can always be omitted."). *See also* MPEP § 2111.04. For the purposes of

examination, the examiner requests applicant to amend the claim to positively recite that the

system actually performs the purported limitations.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10.   Claims 83–85 are rejected under 35 U.S.C. 102(b) as being anticipated by Noack and

Schienmann, Introducing OO Development in a Large Banking Organization, From the

Trenches, May/June 1999, pg. 71–81 [hereinafter Noack]. (*see* attached PTO-892, reference U)

11.   As per claim 83, Noack teaches an architecture for use in designing, deploying, and

managing applications on a distributed computing system, the architecture comprising; a

plurality of layers where at least one layer is an application layer where the software architecture

that enables the management and optimization of any subset of any organization with a single set

of common applications when said organization has its performance evaluated on the basis of

one or more quantitative measures (Fig. 2, illustrating the standard architectural layers, including

an application layer; Fig. 3, laying out the types of applications; pg. 75, "The description pattern

for the activities consists of input, task, measurement, output, and pre and postcondition

elements, the latter two being used to link the activities. An activity must not start until all its

preconditions are fulfilled, and must not end before the fulfillment of all its postconditions. In all

the model describes about 200 activities, assigned to five views: development (the main view), reuse, security, quality assurance, and project management. All correlate with predefined skills to be fulfilled by team members in the course of the project."), and where the common applications are selected from the group consisting of analysis, forecast, optimization, planning, project management, review, transaction and combinations thereof (Fig. 3, illustrating at least project management as a viable application).

12.   As per claim 84, Noack teaches the architecture of claim 83 as described above. Noack further teaches where a quantitative measure is selected from the group consisting of alliance risk, brand risk, channel risk, content risk, contingent liabilities, customer risk, customer relationship risk, current operation risk, derivative risk, employee risk, employee relationship risk, energy risk, enterprise risk, external factor risk, event risk, fraud risk, information technology risk, total return, intellectual property risk, investment risk, knowledge risk, market sentiment risk, market risk, market volatility, organization risk, partnership risk, process risk, production equipment risk, product risk, real option risk, technology risk, vendor risk, vendor relationship risk, weather risk, revenue, expense, capital change, alliance return, brand return, channel return, content return, customer return, customer relationship return, current operation return, derivative return, employee return, employee relationship return, enterprise return, external factor return, event return, information technology return, intellectual property return, investment return, knowledge return, market sentiment return, market return, market volatility, organization return, partnership return, process return, production equipment return, product return, real option return, shareholder return, technology return, vendor return, vendor

relationship return, alliance value, brand value, channel value, content value, contingent

liabilities, customer value, customer relationship value, current operation value, derivative value,

employee value, employee relationship value, enterprise value, external factor value, event value,

information technology value, intellectual property value, investment value, knowledge value,

market sentiment value, market value, market volatility, organization value, partnership value,

process value, production equipment value, product value, real option value, technology value,

vendor value, vendor relationship value and combinations thereof (pg. 76, "We applied the AD-

Model in a typical OO project at one of our development centers, a risk management project at a

major state bank. The customer, the bank's credit department, wanted to evaluate its new

calculation approach for risk premiums." Examiner further notes that types of quantitative

measures constitute nonfunctional descriptive material and should not be given patentable

weight. The above types of quantitative measures amount to mere labeling of data and do not

functionally alter the claimed software architecture. See MPEP 2106.01 [R-5]. Nonfunctional

descriptive material cannot lend patentability to an invention that would otherwise have been

anticipated by the prior art. When descriptive material is not functionally related to the substrate,

the descriptive material will not distinguish the invention from the prior art in terms of

patentability (*see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re

Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994)).).

13.   As per claim 85, Noack teaches the software architecture of claim 83 as described above.

Noack further teaches where a subset of the organization is defined by attributes selected from

the group consisting of context layers, organization levels, organizations and combinations

thereof (Table 2, setting forth the different levels or layers of an organization for a project, *see also* pg. 77, *Map team members to roles*).

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

15.   Claim 86 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noack in view of

Pace et al., *Decision Support Infrastructure at the University of Kansas*, June 26, 2000

[hereinafter Pace]. (*see* attached PTO-892, reference V)

16.   As per claim 86, Noack teaches software architecture of claim 83 as described above.

Noack does not explicitly teach where a common application is selected from the group

consisting of an application for analyzing the impact of user specified changes on a defined

organization subset, an application for forecasting the value of a specified variable using context

layer data for a specified defined organization subset, an application for simulating organization

performance and identifying the optimal mode for operating a defined organization subset for

one or more measures, an application for establishing expected levels and priorities for actions,

events and measures for a defined organization subset, an application for developing action,

element, impact, measure performance and risk reports in standard formats for a defined

organization subset, an application that analyzes the impact of a project or a group of projects on

a defined organization subset and determines the feature set that will optimize the impact of the

project or group of projects on said defined organization subset and combinations thereof. Pace

teaches at least an application for establishing expected levels and priorities for actions, events

and measures for a defined organization subset (Pace, pg. 17, discussion regarding <u>User</u>

<u>requirements analysis</u>). It would have been obvious to one of ordinary skill in the art at the time

of the invention to modify the architecture of Noack to include the teaching of Pace because user

requirements analyst ensures "that the data warehouse is a success in the business sense, not just

a technical success." (Pace, pg. 17) This bolsters the chances of the business improving its

operations because the architecture is employing settings and requirements that are tailored to the

particular problems the business is facing.

Conclusion

17.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

A.   Fingar et al., *Enterprise E-Commerce: The Software Component*

Breakthrough for Competitive Advantage, Meghan-Kiffer Press, 1st Ed., Jan 2000, 32 pp.

[hereinafter Fingar]. (*see* attached PTO-892, reference W)

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Justin M. Pats whose telephone number is 571-270-1363. The

examiner can normally be reached on Monday through Friday, 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Justin M. Pats/

C. MICHELLE TARAE
PRIMARY EXAMINER

		Application/Control No.	Applicant(s)/Patent Under Reexamination	
Notice of References Cited		10/237,021	EDER, JEFF SCOTT	
		Examiner	Art Unit	
		Justin M. Pats	3623	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Noack and Schienmann, Introducing OO Development in a Large Banking Organization, From the Trenches, May/June 1999, pg. 71–81
	V	Pace et al., Decision Support Infrastructure at the University of Kansas, June 26, 2000
	W	Fingar et al., Enterprise E-Commerce: The Software Component Breakthrough for Competitive Advantage, Meghan-Kiffer Press, 1st Ed., Jan 2000, 32 pp.
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
PTO-892 (Rev. 01-2001)   **Notice of References Cited**   Part of Paper No. 20070630
Attachment 2   16

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/237,021	09/09/2002	Jeff Scott Eder		4883

53787   7590   02/06/2008
ASSET TRUST, INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

EXAMINER
PATS, JUSTIN

ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
02/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/237,021	EDER, JEFF SCOTT
	Examiner	Art Unit	
	JUSTIN M. PATS	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 November 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>59-112</u> is/are pending in the application.

    4a) Of the above claim(s) <u>59-82 and 87-98</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>83-86 and 99-112</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9-30-07, 11-21-07</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Notice to Applicant

1.   The following is a non-final office action. In response to Examiner's communication of

7/11/07, Applicant, on 9/30/07, amended claims 83–84, and 86, and added claims 99–112. On

10/08/07, Applicant submitted a supplemental amendment, amending claims 103 and 105.

Finally, on 11/18/07, Applicant submitted a further supplemental amendment, amending claims

103, 105, and 106–108, 111–112. Claims 83–86, 99–112 are pending in this application. Claims

103–112 have been restricted. Claims 83–86, 99–103 have been elected by original presentation

and rejected below. Information Disclosure Sheets dated 9/30/07 and 11/21/07 have been

considered by the Examiner. Finally, as per Applicant's request, evidence of a citation date for

the Fingar reference (*see* PTO-892, 7/11/07, reference W) has been provided herein (*see* attached

PTO-892, page 1, reference U).

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

3.   Claims 83–86, 99–104, and 109–110 and their dependencies, are rejected under 35

U.S.C. 101 because they are directed to non-statutory subject matter.

4.   The aforementioned claims recite layers of software, which amounts to mere data

structures. Data structures not claimed as embodied in computer-readable media are descriptive

material per se and are not statutory because they are not capable of causing functional change in

the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data

structure per se held nonstatutory). Such claimed data structures do not define any structural and

functional interrelationships between the data structure and other claimed aspects of the

invention which permit the data structure's functionality to be realized. See MPEP 2106.01 (I).

Here, Applicant has claimed a software architecture defined data synonymous with software or

files, namely "modules" or "layers". The system has no physical components or structure and is

thus considered non-statutory.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   Claims 83–86, 99–102 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7.   As per claim 83, Applicant's purported limitation "wherein the complete context . . . comprises the context of claim 105" is unclear because Applicant has unorthodoxly referenced a later independent claim within an earlier independent claim. If Applicant wishes to include the limitations of claim 105 in claim 83, Examiner requests that Applicant positively recite said limitations in the claim at issue. Examiner interprets the *context* of claim 105 to be the same as that of the claim at issue, relating to a context-aware software architecture, thus failing to demonstrate any patentable distinction. This logic also applies to claim 99, where the phrase "wherein said complete context . . . comprises the context from claim 111" is similarly unclear for the reasons stated above.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   Claims 83–86, 99–112 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Couderc and Kermarrec, *Improving Level of Service for Mobile Users Using Context Awareness*,

Proceedings of the 18th IEEE Symposium on Reliable Distributions Systems, Lausanne,

Switzerland, Oct. 19-22, 1999 [hereinafter Couderc]. (*see* attached PTO-892, page 1, reference

V)

10.   As per claim 83 Couderc teaches an architecture for use in designing, deploying, and

managing a plurality of applications on a distributed computing system for an organization, the

architecture comprising: a plurality of layers where at least one layer is an application layer

where a single set of common applications manage and optimize a performance of any subset of

an organization for a complete context Fig. 5, Prototype architecture, showing Application layer,

multiple layers, as well as agents, proxies, server and managers working to provide context

awareness; *see also* pg. 5–6, 3.3 Adaptive Layer, discussing the Context Manager, Contextual

Objects Manager, and Selection Manager), where said complete context for an organization

subset comprises one or more quantitative measures for evaluating performance, and where the

common applications incorporate an analysis of a network effect of a plurality of risks and

elements of value on one or more performance measures and are selected from the group

consisting of analysis, forecast, optimization, planning, project management, review, transaction

and combinations thereof (Couderc, pg. 6, Selection Manager; *see* Fig. 1, Contextual objects;

Fig. 2, Two-dimensional contextual objects. Object identifiers such as the weather reflecting a

location-sensitive object, or an image reflecting a network bandwidth-sensitive object, through

changes in operation, or "variants" impact long term performance of the operation in numerous

contexts as set forth in Figs. 1–2 of Couderc).

The difference between Couderc and the limitations of claim 83 is that in Couderc, the

common applications do not explicitly reside on the application layer as claimed by Applicant.

However, as evidenced by Couderc, the application layer and other software architectural layers,

such as an adaptive one, comprising common applications such as context and selection

managers, are old and well known in the art. Because each individual element and its function

are shown in the prior art, the difference between the claimed subject matter and the prior art rest

not on any individual element or function but in the very combination itself—that is in the

explicit substitution of (1) the application layer for housing common applications for (2) the

current configuration disclosed by Couderc. Thus, the simple substitution of one known element

for another producing a predictable result renders the claim obvious.

Moreover, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Couderc because it's old and well known in the art to configure layers as

needed in a software application—the modularity provided by having different software layers

makes them easier to program and more robust. Furthermore, it's old and well known in the art

to make something integral that is separate (*In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961).

11.   As per claim 84, Couderc teaches where a quantitative measures is selected from the group consisting of alliance risk, brand risk, channel risk, content risk, contingent liabilities, customer risk, customer relationship risk, current operation risk, derivative risk, employee risk, employee relationship risk, energy risk, enterprise risk, external factor risk, event risk, fraud risk, information technology risk, total return, intellectual property risk, investment risk, knowledge risk, market sentiment risk, market risk, market volatility, organization risk, partnership risk, process risk, production equipment risk, product risk, real option risk, technology risk, vendor risk, vendor relationship risk, **weather risk**, revenue, expense, capital change, alliance return, brand return, channel return, content return, customer return, customer relationship return, current operation return, derivative return, employee return, employee relationship return, enterprise return, external factor return, event return, information technology return, intellectual property return, investment return, knowledge return, market sentiment return, market return, market volatility, organization return, partnership return, process return, production equipment return, product return, real option return, shareholder return, technology return, vendor return, vendor relationship return, alliance value, brand value, channel value, content value, contingent liabilities, customer value, customer relationship value, current operation value, derivative value, employee value, employee relationship value, enterprise value, external factor value, event value, information technology value, intellectual property value, investment value, knowledge value, market sentiment value, market value, market volatility, organization value, partnership value,

process value, production equipment value, product value, real option value, technology value,

vendor value, vendor relationship value and combinations thereof (*see e.g.*, Couderc, pg. 3,

Contextual Objects, discussing weather considerations and changes in value based on location;

Fig. 1, (c) location-sensitive object, showing different weather forecasts; Fig. 2, showing

bandwidth probabilities based on weather; *see also* Fig. 3; pg. 6, Selection Manager).

12.   As per claim 85, Couderc teaches where a subset of the organization is defined by

attributes selected from the group consisting of context layers, organization levels, organizations

and combinations thereof (*see* discussion *supra* ¶ claim 83).

13.   As per claim 86, Couderc teaches where a common application within a set of common

applications is selected from the group consisting of **an application for analyzing the impact of**

user specified changes on a defined organization subset, an application for forecasting the

value of a specified variable using context layer data for a specified defined organization

subset, an application for simulating organization performance and identifying the optimal mode

for operating a defined organization subset for one or more measures, an application for

establishing expected levels and priorities for actions, events and measures for a defined

organization subset, an application for developing action, element, impact, measure performance

and risk reports in standard formats for a defined organization subset, an application that

analyzes the impact of a project or a group of projects on a defined organization subset and

determines the feature set that will optimize the impact of the project or group of projects on said

defined organization subset and combinations thereof (emphasis added) (Couderc, Fig. 2, Two-

dimensional contextual object, showing weather forecasts in France versus the UK stemming

from a change in location in a location-sensitive object).

14.   Claims 99–102 recite limitations that stand rejected via the art citations and rationale

applied to claims 83–86 respectively as discussed above.

15.   As per claim 103, Couderc teaches an architecture for context aware computing, the

architecture comprising:

a data access layer operable to exchange data with a plurality of systems and to present the data

to a context modeling layer through a uniform interface (Couderc, pg. 4–5, 3.1 Architecture

Overview; Fig. 4, Detection /Notification Layer; *see also id.*, Information server, information

from external sources, information on detected changes); a context modeling layer operable to

develop a context from the data obtained from the data object access layer and to present the

context to a frame layer through a uniform interface (Couderc, Fig. 4, Adaptive layer); frames

operable to obtain a perspective from a user interface and to develop a context frame which

provides a context for the perspective to an application in a uniform format (Courdec, Figure 3,

User framework; Fig. 2, illustrating browsers with and without frames), and an application layer

using said context frame to complete one or more useful context-aware functions (pg. 5, Fig. 4,

Application; pg. 9, Fig. 5, Prototype Architecture, Application Layer).

        The differences between Couderc and the limitations of claim 103 are that (1) in

Couderc, the common applications do not explicitly reside on the application layer as claimed by

Applicant and (2) Couders's disclosed frame functionality is not explicitly embodied within a layer.

First, as evidenced by Couderc, the application layer and other software architectural layers, such as an adaptive one, comprising common applications such as context and selection managers, are old and well known in the art. Because each individual element and its function are shown in the prior art, the difference between the claimed subject matter and the prior art rest not on any individual element or function but in the very combination itself—that is in the explicit substitution of (1) the application layer for housing common applications for (2) the current configuration disclosed by Couderc. Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious.

Moreover, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Couderc because it's old and well known in the art to configure layers as needed in a software application—the modularity provided by having different software layers makes them easier to program and more robust. Furthermore, it's old and well known in the art to make something integral that is separate (*In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961).

Second, Couderc teaches the known technique of software architecture layering as described above. This known technique is applicable to the frame functionality of Couderec as both of these concepts are contained in the same reference sharing characteristics and capabilities, namely being directed to computing using context-aware software architectures. One of ordinary skill in the art would have recognized that applying a known technique of layering would have yielded predictable results and resulted in an improved system. It would

have been recognized that applying the technique of layering to the frame functionality of

Couderc would have yielded predictable results because the level of ordinary skill in the art

demonstrated by the reference applied shows the ability to incorporate such data processing

features into similar systems. Further, applying layered approach to the frame functionality of

Couderec would have been recognized by those of ordinary skill in the art as resulting in an

improved system that would allow more uniform collection, analysis, and delivery of data to the

user.

16.   Claim 104 recite limitations that stand rejected via the art citations and rationale applied

to claim 83 as discussed above.

17.   As per claim 105, the following limitations: [a program storage device readable by a

computer, tangibly embodying a program of instructions executable by at least one computer to

complete processing in accordance with an architecture for context aware computing,

comprising: a data access layer operable to exchange data with a plurality of systems and to

present the data to a context modeling layer through a uniform interface; a context modeling

layer operable to develop a context from the data obtained from the data access layer and to

present the context to a frame layer through a uniform interface; a frame layer operable to obtain

a perspective from a user interface and to develop a context frame which provides a context for

the perspective to a plurality of applications in a uniform format, and an application layer that

contains one or more applications that use said context frame to complete one or more useful

context-aware functions] stand rejected via the art citations and rationale applied to claim 103 as

discussed above. The remaining limitations [where a context further comprises a complete

context that contains information that defines an impact of changes in operation on a long term

performance measure, information that defines a social environment context and information

selected from the group consisting of information that defines a tactical context, information that

defines a physical context information that defines a measure context and combinations thereof]

stand rejected via the art citations and rationale applied to claim 83 as discussed above.

18.   Claim 106 recite limitations that stand rejected via the art citations and rationale applied

to claim 83 as discussed above.

19.   As per claim 107, Couderc teaches wherein a plurality of systems are selected from the

group consisting of accounting systems, alliance management systems, asset management

systems, brand management systems, budgeting/financial planning systems, business intelligence

systems, call management systems, cash management systems, channel management systems,

commodity risk management systems, content management systems, contract management

systems, credit-risk management system, customer relationship management systems, data

integration systems, demand chain systems, decision support systems, document management

systems, email management systems, employee relationship management systems, energy risk

management systems, executive dashboard systems, expense report processing systems, fleet

management systems, fraud management systems, freight management systems, human capital

management systems, human resource management systems, incentive management systems,

innovation management systems, insurance management systems, intellectual property

management systems, intelligent storage systems, interest rate risk management systems,

investor relationship management systems, knowledge management systems, learning

management systems, **location management systems**, maintenance management systems,

material requirement planning systems, metrics creation system, online analytical processing

systems, ontology management systems, partner relationship management systems, payroll

systems, performance management systems, price optimization systems, private exchanges,

process management systems, product life-cycle management systems, project management

systems, project portfolio management systems, revenue management systems, risk management

information system, risk simulation systems, sales force automation systems, scorecard systems,

sensor grid systems, service management systems, six-sigma quality management systems,

strategic planning systems, supply chain systems, supplier relationship management systems,

support chain systems, taxonomy development systems, technology chain systems, unstructured

data management systems, visitor (web site) relationship management systems, **weather risk**

management systems, workforce management systems, yield management systems and

combinations thereof (emphasis added) (*see* at least Couderc, pg. 3, Contextual Objects,

discussing the ability of the contextual object 'weather' to change based on time and location."

20.   As per claim 108, Couderc teaches wherein the program comprises a plurality of

intelligent agents (Couderc, Fig. 5, Prototype architecture, Mobile-IP MH agent, Mobil-IP FA

Agent).

21.   Claims 109–112 recite limitations that stand rejected via the art citations and rationale

applied to claims 105, 83, 105, and 83 respectively as discussed above.

Conclusion

22.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure

       A.   Brown et al., *Context-Aware Applications: From the Laboratory to the*

Marketplace, IEEE Personal Communications, Oct. 1997. (*see* attached PTO-892, page 1,

reference W)

       B.   Buchholz, *Context-Aware Services for UMTS-Networks*, Summer School on

Ubiquitous and Pervasive Computing, Dagstuhl, Aug. 7–14, 2002,

http://www.vs.inf.ethz.ch/events/dag2002/program/ws/Buchholz.pdf. (*see* attached PTO-892,

page 1, reference X)

       C.   DeVaul and Pentland, *The Ektara Architecture: The Right Framework for*

Context-Aware Wearable and Ubiquitous Computing Applications, 2000, available through

webarchive.org, 11/08/2001, http://web.archive.org/web/20011108024148/

http://acg.media.mit.edu/people/rich/DPiswc00.pdf. (*see* attached PTO-892, page 2, reference U)

       Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JUSTIN M. PATS whose telephone number is (571)270-1363.

The examiner can normally be reached on Monday through Friday, 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Justin M. Pats/
Examiner, Art Unit 3623

/Jonathan G. Sterrett/
Primary Examiner, Art Unit 3623

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/282,113	10/29/2002	Jeff Scott Eder		6906

29051	7590	12/20/2004

JEFF EDER
19108 30TH DRIVE SE
MILL CREEK, WA 98012

EXAMINER
POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/282,113	Applicant(s) EDER, JEFF SCOTT
	Examiner Frantzy Poinvil	Art Unit 3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 October 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   Claims 1-35 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, line 2, "the components" lack clear antecedent basis. On line 5, "the business" lacks clear antecedent basis.

As per claim 16, line 3, "the initial weighting factor" lacks clear antecedent basis.

As per claim 18, line 4, "the components" lacks clear antecedent basis.

As per claim 19, line 6, "the relative value contribution" lacks clear antecedent basis.

As per claim 34, line 2, "the processors" lacks clear antecedent basis.

As per claim 35, line 5, "the components" lacks clear antecedent basis.

As per claim 46, line 4, "the initial impact" lacks clear antecedent basis. Also on line 8, "the impacts" lacks clear antecedent basis.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 7, 9-11, 13-15, 18, 20-22, 24, 26-28, 30-32, 35-39, 41, 43-45 and 49-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Lyons et al. (US Patent No. 4,989,141).

As per claims 1, 3-5, 7, 9-11, 13-15, 18, 20-22, 24, 26-28, 30-32, 35-39, 41, 43-45, and 49-50, when evaluating the value of a business enterprise, data related to the value of the business enterprise, wherein the business enterprises having elements of value contributing to the value of the business enterprise must be analyzed. A business enterprise usually possesses tangible assets (such as employees, goods and real estate properties) and intangible assets (such as stocks and other securities). Other elements affecting a business enterprise are debts, liabilities and operating expenses, related business partners, vendors, customers and resources such as production equipment. These elements of value must be analyzed in order to generate a report reflecting the strength and growth of the related business enterprise. Applicant is directed to the teachings provided by Lyons et al. Current operation revenues, current operation expenses and current operation changes in capital must be obtained, collected and analyzed. A business enterprise usually contains securities, salesmen, machines and other resources in which expenses are made and which also generate revenue for the enterprise. These different groups of resources usually have more than one element of value. Applicant is directed to columns, 21-22, 27-20 and 33-34 of Lyons et al. Calculating and storing item performance indicators, for each element of the enterprise are also analyzed. A sequential series of time is also used. Lyons et al. disclose a computerized system for evaluating elements in a business enterprise.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 6, 8, 12, 16-17, 19, 23, 25, 29, 33, 40, 42, 46-48 are rejected under 35

U.S.C. 103(a) as being unpatentable over Lyons et al. (US Patent No. 4,989,141).

As per claims 2 and 19, Lyons et al do not explicitly state deriving one or more element

of value weighting factors by enterprise and weighting the data concerning the one or more

elements of value according to the element of value weighting factors for each enterprise, where

the relative value contribution is the sum of the weighted element of value data for all enterprises

within the business. Lyons et al state that the valuation is for a corporate business. See the

abstract. A corporate business may consist of more than one enterprise or associated enterprise

or department. See column 2, lines 39-41 and column 7, lines 7-11 of Lyons et al. The steps of

weighting would have been obvious to one of ordinary skill in the art to do in the system of

Lyons et al in order to determine the impact of one or more factors or department affecting the

enterprise.

As per claims 6, 12, 23, 29, 40 and 46 Lyons et al do not explicitly teach the elements of

value contain items that are optionally clustered into sub-elements of value for more detailed

analysis. The Examiner notes that in a business enterprise, there exists, like resources and/or

assets or expenses and an enterprise may have a plurality of associated business. See column 7,

lines 6-11 of Lyons et al. Clustering the elements into sub-elements would have been obvious to

one of ordinary skill in the art to do in the system of Lyons et al in order to obtain a more

accurate detail on the totals of different categories of the different element of values in the

business enterprise.

As per claims 16, 17, 33, 47 and 48 Lyons et al do not explicitly teach determining the

initial weighting factor using a predictive neural net model or using a genetic algorithm.

However, Lyons et al. disclose forecasting and budgeting. See column 4, lines 27-32 of Lyons et

al. Using a neural network as a predicting modeling or forecasting tool and/or a genetic

algorithm is well known in the art. It would have been obvious to one of ordinary skill in the art

at the time of the invention to also use a neural network in the system of Lyons et al in order to

provide a more accurate forecasting of budgets and expenses in obtaining the value of the

business enterprise.

As per claims 8, 25 and 42, many different types of items and communications are

accessed via the Internet. Obtaining related information from the Internet is not explicitly stated

in Lyons et al. Lyons et al disclose obtaining information from outside database packages or

softwares. See column 21, lines 53-55 and column 22, lines 26-30. Using the Internet to also

obtain information would have been obvious to one of ordinary skill in the art to do in the system

of Lyons et al in order to obtain instant accurate information relating the type of business

enterprise so as to generate a more accurate report.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is se forth in a two prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

No physical transformation is performed, no practical application in the technological art is found. The claims appear to recite mathematical algorithms divorced from a practical application in the technological arts. The claims merely perform mathematical calculations in an expected manner as the machine is designed to do for any type of algorithm calculations, and present data results, add nothing more structurally or functionally than material falling under the non-statutory abstract idea concepts.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The

examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone numbers for the organization where this application or proceeding is

assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final

communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-1113.

FP
December 10, 2004

FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/282,113	10/29/2002	Jeff Scott Eder		6906

53787	7590	10/20/2005	

ASSET TRUST, INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

EXAMINER
POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/282,113	EDER, JEFF SCOTT
	Examiner	**Art Unit**
	Frantzy Poinvil	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 August 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>51-90</u> is/are pending in the application.

    4a) Of the above claim(s) <u>58-90</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>51-57</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 51-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Burks

et al (US Patent No. 6,453,297).

Burks et al disclose a system and method for receiving or retrieving medical data

from one or more medical providers wherein each of the medical data having has

different or incompatible formats using one or more computer networks. See the

abstract and column 5, lines 25-58. Burks et al further state:

"The healthcare provider stations do not provide the claim information to the

medical transaction system 10 in the same data message format nor do all of the

healthcare provider stations communicate with the medical transaction system in the

same communication protocol...in response to receipt of a medical claim from a

healthcare provider station, medical transaction system 10 reorganizes the information

from the received medical claim into a generic medical claim record format". Applicant

is referred to column 5, lines 25-58 and column 6, lines 9-33 of Burks et al. The

Examiner asserts that these medical data includes elements of value, components of

value, currencies, units of measure, time periods, dates and combination thereof. The

medical healthcare providers are computer systems comprising a plurality of relational

databases storing patients' relating medical information.

Conclusion

2.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-

6797. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone number for the organization where this application or proceeding

is assigned is (703) 872-9326 for Before Final actions and (703) (872-9327). .

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 308-

1113.

FP

October 12, 2005

FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/282,113	10/29/2002	Jeff Scott Eder		6906

53787	7590	02/24/2006

ASSET TRUST, INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

EXAMINER
POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/282,113	EDER, JEFF SCOTT
	Examiner	Art Unit
	Frantzy Poinvil	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 November 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _51-108_ is/are pending in the application.

    4a) Of the above claim(s) _58-90_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _51-57 and 91-108_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _2/3/05 2/17/05;_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☒ Other: _IDS of 10/10/05 & 11/11/05_.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)

Office Action Summary

Part of Paper No./Mail Date 01182006

DETAILED ACTION

1.   The applicant's communication filed 12/6/2005 has been received and

acknowledged.

2.   Applicant's arguments filed 11/11/2005 have been fully considered but they are

not persuasive.

3.   The Examiner's response to the applicant's arguments is incorporated in the

Office action.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 51-57 and 91-108 are rejected under 35 U.S.C. 102(e) as being

anticipated by Burks et al. (US Patent No. 6,453,297).

Applicant argues that Burks et al fail to teach or suggest the claimed limitations.

In response, Burks et al disclose medical transaction system and method for

integrating medical claim data from a plurality of data sources into a single format.

Thus, Burks et al. disclose an enterprise data integration method and system

comprising a computer with a processor having circuitry to execute instructions; a

storage device available to the processor with sequences of instructions stored therein

and an interface coupled to the plurality of data source each of which has a data

dictionary, and an application software segment to be executed by the processor. See

figures 6,7 and 12-14 of Burks et al.

As per claims 51, 96-98, 102-103, the claimed computer with a backend

interface is inherent in the system of Burks. A computer with a back-end interface is "a

slave processor that performs a specialized task such as providing rapid access to a

database, freeing the main processor for other work. Such a task is considered "back-

end" because it is subordinated to the computer's main function". The system of Burks

et al. comprises a computer system connected within a network for receiving medical

information (from various sources or trading partners such as healthcare providers,

payors, insurance carriers). Each of these sources having different medical formats.

The computer system of Burks receive the medical information and formats the received

medical information in a common format by extracting specific datafields therein. See

column 3, lines 9-45; column 4, lines 21-25. The computer system of Burks et al.

performs several functions and include at least two computers for performing all these

tasks. Having a computer with a back-end interface is inherent in the system of Burks

since a plurality of tasks including transmitting/receiving information, extracting,

formatting, storing, and billing data. See figures 1-8 of Burks. The backend computer

inherently process one or more of these special tasks and transfers the results to

another computer so as to have different computer performing a distinct task thereby providing a faster system and at the same time freeing computer resources of one or more computers. The claimed common schema is interpreted as the claimed common data formats of Burks et al.

As per claims 52, 93, 104, the claimed network connection is also inherent in the system of Burks since there exists a plurality of communication protocols from different sources. See figures 6 and 12 of Burks. The definition of communications protocol is a "set rules or standards designed to enable computers to connect with one another and to exchange information with as little error as possible...". See Microsoft Computer Dictionary Fifth edition.

As per claims 53, 99 the claimed common schema further comprises a network schema is similar to the common data format of Burks et al.

As per claims 54-55, 95, 100, 107 and 108, the common schema containing a common data dictionary is similar to the generic record formats containing some data fields that are all common to all of the data message formats received by the system. See column 12, lines 3-10 and column 6, lines 9-32 of Burks et al.

As per claims 56, 92, 101, 105 the plurality of sources further comprise databases for systems selected from the group consisting of a basic financial system, a human resource system, an advanced financial system, a sales system, an operations system, an accounts receivable system, an accounts payable system, a capital asset system, an inventory system, an invoicing system, a payroll system, a purchasing system, an Internet and combinations thereof. See the disclosure of Burks et al.

As per claims 57, 94, each of the plurality or sources such as the insurance carriers, healthcare providers and financial institution computes (column 3, lines 32-35) includes one or more relational databases. See column 6, lines 29-34 of Burks et al..

Claim 91 recites similar limitations contained in claims 51, 53 and 54, and claim 91 is therefore rejected under a similar rationale.

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Sam Sough can be reached on (571) 272-6799. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
January 22, 2006

	Application No.	Applicant(s)
Office Action Summary	10/282,113	EDER, JEFF SCOTT
	Examiner	Art Unit	
	Frantzy Poinvil	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 March 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>51-57 and 91-108</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>51-57 and 91-108</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/7/06</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 04142006

DETAILED ACTION

1.   The request for a continued prosecution application (CPA) under 37 CFR 1.53(d)

filed on 3/6/2006 is acknowledged. 37 CFR 1.53(d)(1) was amended to provide that the

CPA must be for a design patent and the prior application of the CPA must be a design

application that is complete as defined by 37 CFR 1.51(b). See *Elimination of*

Continued Prosecution Application Practice as to Utility and Plant Patent Applications,

final rule, 68 *Fed. Reg.* 32376 (May 30, 2003), 1271 *Off. Gaz. Pat. Office* 143 (June 24,

2003). Since a CPA of this application is not permitted under 37 CFR 1.53(d)(1), the

improper request for a CPA is being treated as a request for continued examination of

this application under 37 CFR 1.114.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 51-57 and 91-108 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lyons et al (US Patent No. 4,989,141) considered with Everest, "DATABASE

MANAGEMENT, Objectives, System Functions, and Administration, McGraw-Hill Book

Company, 1986, ISBN 0-07-019781-04.

As per claims 51-54, 91, 93, 96, 97, 98, 99, 102, 104 and 106, Lyons et al

disclose an enterprise data integration system comprising a computer system coupled

to a plurality of data sources and an application software segment configured to convert

data source information to a common schema and store the converted data in an

application database. See the abstract and columns 5-11 of Lyons et al. Lyons et al do

not explicitly mention the computer being a back-end interface coupled to the plurality of

data sources.

Everest teaches techniques in database management systems. In so doing,

Everest teaches a database system comprising a computer with a back-end interface

coupled to a plurality of data sources and an application software segment configured to

convert data source information to a common schema and store converted data in an

application database for use in processing wherein a plurality of data sources use

different data formats. Applicant is directed to pages 739, 743-744, 747 and 750-756 of

Everest.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teachings of Everest into the system of Lyons et

al in order to provide a back-end system. The motivation would have been to provide a

better integrity control and function of the database management system (see page 751

of Everest).

As per claims 55-56, 92, 95, 100-101, 105 107 and 108, Lyons et al disclose a

system and method for controlling, analyzing and reporting an enterprise's financial

assets. See the abstract. When evaluating the value of a business enterprise, data related to the value of the business enterprise, wherein the business enterprises having elements of value contributing to the value of the business enterprise must be analyzed. A business enterprise usually possesses tangible assets (such as employees, goods and real estate properties) and intangible assets (such as stocks and other securities). Other elements affecting a business enterprise are debts, liabilities and operating expenses, related business partners, vendors, customers and resources such as production equipment. These elements of values must be grouped and analyzed in order to generate a report reflecting the strength and growth of the related business enterprise.

Lyons et al teaches a common data dictionary defining common attributes selected from the group consisting of elements of value, components of value, currencies, units of measure, time period, dates and combinations thereof. See column 7, line 1 to column 9, line 17 and column 13, lines 62-65 of Lyons et al. Lyons et al further teach database systems such as an accounts receivable and an accounts payable system (column 9, lines 8-12 of Lyons et al.), an advanced financial system (column 10, lines 1-15); capital assets, invoicing, sales and operations systems and combinations thereof (columns 21-22 of Lyons et al). Everest states that various databases may be selected from a human resource system and a payroll system.

As per claims 57, 94 and 103 the plurality of sources further comprise a plurality of relational databases. See columns 21-22 of Lyons et al.

Conclusion

3.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
May 1, 2006

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known	
Application Number	10/282.113
Filing Date	10/28/2002
First Named Inventor	Jeff S. Eder
Art Unit	3628
Examiner Name	Frantzy Poinvil

| Sheet | | of | | Attorney Docket Number | AR - 37 |

U. S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number — Number-Kind Code	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
FP		US 6,026,397 - B1	2/15/2000	Sheppard, Colin	
FP		US 5,191,522 - B1	3/03/1993	Bosco, James	
FP		US 5,668,951 - B1	9/16/1997	Shintani, Peter	
FP		US 5,819,237 - B1	10/6/1998	Garman, Mark	
FP		US 5,794,219 - B1	8/11/1998	Brown, Stephen	
FP		US 5,774,873 - B1	6/30/1998	Berent, Thomas	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document — Country Code Number Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T
		WO 983-8588	2/28/1997	Mayon & White		

| Examiner Signature | F Poinvil | Date Considered | 4/14/06 |

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete If Known	
Application Number	10/282,113
Filing Date	10/29/2002
First Named Inventor	Jeff S. Eder
Art Unit	3628
Examiner Name	Frantzy Poinvil
Attorney Docket Number	AR - 37

Sheet ___ of ___

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
FP		WIPFLER, ARLENE; "Distributed Processing in the CICS Environment"; 1989; Multiscience Press	
FP		WEITZMAN, CAY; "Distributed Micro/Minicomputer Systems"; 1980; Prentice Hall	

Examiner Signature	F Poinvl	Date Considered	4/14/06

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.
This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Attachment 2   59

Notice of References Cited

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Notice of References Cited	10/282,113	EDER, JEFF SCOTT

	Examiner	Art Unit	
	Frantzy Poinvil	3628	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	"DATABASE MANAGEMENT, Objectives, System Functions, and Administration, McGraw-Hill Book Company, 1986, ISBN 0-07-019781-04, pages 732-780.
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U S Patent and Trademark Office
PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 04142006

Attachment 2   60

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/287,586	11/05/2002	Jeff Scott Eder		6347

53787   7590   03/27/2008
ASSET TRUST, INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

EXAMINER
RETTA, YEHDEGA

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
03/27/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/287,586	EDER, JEFF SCOTT
	Examiner	Art Unit	
	Yehdega Retta	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>16 September 2007</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>145-148 and 207-227</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>145-148 and 207-227</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>1/21/08, 11/21/07, 9/16/07</u>.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

U.S. Patent and Trademark Office
Attachment 2
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20080324

62

DETAILED ACTION

This communication is in response to amendment filed September 15, 2007. Applicant

cancelled claims 1-44 and 149-206 and amended claims 145-148, 213, 219. Claims 145-148 and

207-227 are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claims 226-227 are rejected under 35 U.S.C. 101 because the claimed invention lacks

patentable utility. Claims 226-227 are directed to *business event network model* (software

program) comprising of *a network model* (software program) that connects one or more element

of value to a value of an aspect of current operation financial performance. Under the statue, the

claimed invention must fall into one of four recognized statutory classes on invention, namely, a

process (or method), a machine (or system); an article of manufacture; or a composition of

matter. The invention seems to be directed toward an article of manufacture, however, signals,

data structures or computer programs not embodied in computer-readable media executable by a

computer are descriptive material per se and are not statutory because they are not capable of

causing functional change in a computer. Data structure or signal not claimed as embodied in

computer-readable media is descriptive material per se and is not statutory because they are

neither physical not statutory process. Such claimed signals do not define any structural and

functional interrelationships between a computer code and other claimed elements of a computer,

which permit the computer's program to be realized (see MPEP section 2106).

Claim 226 only recites a step of connecting element of value to a value of financial

performance. However, for a claimed invention to be statutory the claimed invention must

produce a useful, concrete and tangible result. Because the claimed invention is directed to a

system which does not product a useful result and is not permitted under 35 USC 101, as being

related to non-statutory subject matter.

However in order to examine the claimed invention in light of the prior art, further

rejections will be made on the assumption that those claims are statutorily permitted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 145-148 are rejected under 35 U.S.C. 102(b) as being anticipated by "How to sort

out the premium drivers of post-deal value" Bielinski, Daniel W. Mergers and Acquisitions:

Jul/Aug 1993, Vol. 28, Iss.1; pg. 33, 5 pgs (hereinafter Bielinski).

Regarding claims 145-148, Bielinski teaches valuation tool for preparing and integrating

a plurality of historical and forecast enterprise transaction data for a commercial enterprise; using

model to identify one or more value drivers (key factors or value drivers), such as growth, profit

margins, etc are varied systematically to test the sensitivity of the indicated business value to

each driver (pp1) ... assessing changes in one value driver at a time, elements of value selected

from the group consisting of brands, customers, employees intellectual capital, partner etc., (pp

1-2); identifying value drivers (sensitive analysis of past results offers clues to what can be done

in the future and which value drivers should receive the most attention to achieve optimal

rewards) (see pp 1); use of models to complete analyses ... (see page 3). Bielinski teaches use of

computerized models to estimate the value of a company and to guide them in setting purchase

price. Bielinski teaches relatively few buyers take advantage of the capabilities of these models

to enhance their due diligence and formulate strategies for increasing the cash flow and

enhancing the value of their acquired targets... indeed as the art of modeling has progressed, new

methodologies have been developed and applied to actual transaction in the market to sharply

widen the utility and versatility of computer-based valuation value. Bielinski teaches financial

performance to complete analyses of ... financial performance selected from group consisting of

revenue, expense, capital change etc., (see pp 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 207-227 are rejected under 35 U.S.C. 103(a) as being unpatentable over "How to

sort out the premium drivers of post-deal value" Bielinski, Daniel W. Mergers and Acquisitions:

Jul/Aug 1993, Vol. 28, Iss.1; pg. 33, 5 pgs (hereinafter Bielinski), further in view of "Computers

" Brown, Carol E, Coakley, James, Phillips, Mary Ellen, Management Accounting, Montvale,

May 1995 (hereinafter Brown).

Regarding claims 207, 208 and 210-212, Bielinski teaches valuation tool for preparing

and integrating historical and forecasting transaction data from a plurality of enterprise related

system; creating a plurality of performance indicators for each of the element of value, analyzing

historical and forecast data for aspects of financial performance using indication algorithms and

value driver candidates and creating impact summaries (see page 1-5). Bielinski teaches using

computerized models to estimate the value of a company, facilitating value creation, analyzing

historical data and forecast data, however does not teach training neural network models for one

or more aspects of financial performance using performance indicators. using model to identify

one or more value drivers (key factors or value drivers), such as growth, profit margins, etc are

varied systematically to test the sensitivity of the indicated business value to each driver (pp1) …

assessing changes in one value driver at a time, elements of value selected from the group

consisting of brands, customers, employees intellectual capital, partner etc. (pp 1-2); identifying

value drivers (sensitive analysis of past results offers clues to what can be done in the future and

which value drivers should receive the most attention to achieve optimal rewards) (see pp 1); use

of models to complete analyses … (see page 3). Bielinski teaches use of computerized models to

estimate the value of a company and to guide them in setting purchase price. Bielinski states,

relatively few buyers take advantage of the capabilities of these models to enhance their due

diligence and formulate strategies for increasing the cash flow and enhancing the value of their

acquired targets… indeed as the art of modeling has progressed, new methodologies have been

developed and applied to actual transaction in the market to sharply widen the utility and

versatility of computer-based valuation value. Bielinski does not explicitly teach neural network

models using the indicators and a portion of the data in order to identify value driver candidates.

Brown teaches valuation using neural network and training neural network models for aspects of

financial performance using indicators (see pgs 1-2 and 5-6). It would have been obvious to one

of ordinary skill in the art at the time of applicant's invention was made to implement Browns

teaching by using neural network to analyze data, since it is well known that neural network

increase score prediction accuracy and enable fast accurate score model implementation.

Bielinski teaches financial performance selected from group consisting of revenue, expense,

capital change etc., (see pp 2).

Regarding claim 209, Bielinski teaches identifying changes that optimize financial

performance, however failed to teach the use of Markov Chain Monte Carlo model or use

genetic algorithms. Official notice is taken that is old and well known in the art of finance to use

optimization tools. It would have been obvious to one of ordinary skill in the art to use such

model and other forms of optimization to maximize profit.

Regarding claims 213-227, Bielinski teaches aggregating enterprise related transaction

data from one or more enterprise management system, creating performance indicators,

analyzing historical and forecast data for aspects of financial performance using indication

algorithms and value driver candidates and creating impact summaries (see page 1-5). Bielinski

teaches using computerized models to estimate the value of a company, facilitating value

creation, analyzing historical data and forecast data, however does not teach training neural

network models for one or more aspects of financial performance using performance indicators.

Brown teaches valuation using neural network and training neural network models for aspects of

financial performance using indicators (see pgs 1-2 and 5-6). It would have been obvious to one

of ordinary skill in the art at the time of applicant's invention was made to implement Browns

teaching by using neural network to analyze data since it is well known that neural network

increase score prediction accuracy and enable fast, accurate score model implementation.

Bielinski teaches financial performance selected from the group consisting of revenue, expense,

capital change, cash flow etc., (see pgs 1&2). Bielinski teaches logged or recorded events for

transaction data (see pg. 2). Bielinski teaches element of value selected from the group consisting

of brands, customers, employees, etc., analyzes calculated for specific point in time, a net

contribution of each element of value (see pg 2).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The

examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YR

/Yehdega Retta/
Primary Examiner, Art Unit 3622

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,374	12/12/2001	Jeffrey Scott Eder		9952

29051   7590   08/08/2003

JEFF EDER
19108 30TH DRIVE SE
MILL CREEK, WA 98012

EXAMINER
ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 08/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *THREE* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _12/12/2001_ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-24_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some* c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

Examiner Pierre Eddy Elisca

United States Department of Commerce

Patent and Trademark Office

Washington, D.C. 20231

DETAILED ACTION

1.   This Office action is in response to Application No. 10/012,374, filed on 12/12/2001.

2.   Claims 1-24 are pending.

Claim Rejections - 35 USC § 102 (b)

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 (b) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-24 are rejected under 35 U.S.C. 102 (b) as being anticipated by King (U.S. Pat. No. 6,148,293).

As per claims 1, 2, 8-14 and 20-24 King discloses an operatively interconnected data processing for creating, servicing and paying loan agreements between a lender and borrower providing for repayment of the loan together with interest at a periodically adjusted rate based on the terms of the agreement (which is readable as Applicant's claimed invention wherein it is stated that a computer-implemented for transferring risks from a commercial enterprise), comprising:

obtaining the matrix of risk for the commercial enterprise (see., abstract, col 1, lines 50-55, col 18, lines 55-67, specifically wherein it is stated that accessing a current government securities interest rate matrix stored within data base 116 of fig 1);

identifying and completing swaps (swaps or derivative security) for risks identified in the matrix of risk that can be swapped with other commercial enterprises (see., col 5, lines 63-67, col 6, lines 1-15, specifically wherein it is stated that risk may also be transferred through a fixed to floating rate interest swap contract, col 13, lines 4-24, please note that the financial instrument 100 of fig 1 manage and identify funds to be allocated to the various accounts, and therefore can identify swaps);

identifying and completing the placement of insurance to transfer the remaining risks that are identified in the matrix of risk after the swap transactions are completed (see., col 20, lines 55-67, fig 7f step 422, please note that rate matrix stores within data base 116, col 5, lines 63-67, col 6, lines 1-15).

As per claims 3-6, 15-18, ,King discloses the claimed method wherein the matrix of risk includes risks associated with external factor variability (see., col 20, lines 55-67, rate matrix as entered into the system).

As per claims 7, 19, King discloses the claimed method of analyzing and sells risk reduction products specifically tailored to the needs of the commercial enterprise (see., abstract, col 13, lines 4-24, commercial enterprise or bank).

Conclusion

5.   Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

(703) 305-7687

Art Unit: 3621

Pierre Eddy Elisca

Patent Examiner

August 05, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,374	12/12/2001	Jeffrey Scott Eder		9952

29051   7590   01/21/2004

JEFF EDER
19108 30TH DRIVE SE
MILL CREEK, WA 98012

EXAMINER
ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/012,374	Jeffry Scott Eder
	Examiner	Art Unit
	Pierre E. Elisca	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _THREE_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _10/31/2003_ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-77_ is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-77_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some* c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _6_

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

Examiner Pierre Eddy Elisca

United States Department of Commerce

Patent and Trademark Office

Washington, D.C. 20231

DETAILED ACTION

1.   This Office action is in response to Applicant's amendments, filed on 07/07/2003 and

10/31/2003.

2.   Claims 1-77 are pending.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

4.   Claims 1-77 are rejected under 35 U.S.C. 103 (a) as being unpatentable by King (U.S. Pat.

No. 6,148,293) in view of Shepherd (U.S. Pat. No. 6,134,536).

As per claims 1, 2, 8-14 and 20-77 King substantially discloses an operatively interconnected data

processing for creating, servicing and paying loan agreements between a lender and borrower

providing for repayment of the loan together with interest at a periodically adjusted rate based on the

terms of the agreement (which is readable as Applicant's claimed invention wherein it is stated that

a computer readable medium having sequences of instruction stored therein), comprising:

obtaining information for one or more segments of value (see., abstract, col 1, lines 50-55, col 18,

lines 55-67, specifically wherein it is stated that accessing a current government securities interest rate

matrix stored within data base 116 of fig 1);

completing one or more swap transactions (swaps or derivative security) for risks identified in the

matrix of risk that can be swapped with other commercial enterprises (see., col 5, lines 63-67, col 6,

lines 1-15, specifically wherein it is stated that risk may also be transferred through a fixed to floating

rate interest swap contract, col 13, lines 4-24, please note that the financial instrument 100 of fig 1

manage and identify funds to be allocated to the various accounts, and therefore can identify swaps);

completing one or more product transactions to transfer one or more of the remaining (see., col 20,

lines 55-67, fig 7f step 422, please note that rate matrix stores within data base 116, col 5, lines 63-

67, col 6, lines 1-15). It is to be noted that King fails to explicitly disclose an organization risk

information (or risk management). However, Shepherd discloses a risk management that constitute

economic risk, commodity prices, currency exchange rates, interest rates, property prices, share

prices, inflation rates and so on (see., abstract, col 1, lines 31-62, col 2, lines 1-67, col 3, lines 37-65).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made

to modify the King's reference by including the limitation detailed above as taught by Shepherd

because this would manage risk relating to specified, future events.

As per claims 3-6, and 15-18, King discloses the claimed method wherein the matrix of risk includes

risks associated with external factor variability (see., col 20, lines 55-67, rate matrix as entered into

the system).

As per claims 7, and 19 King discloses the claimed method of analyzing and sells risk reduction

products specifically tailored to the needs of the commercial enterprise (see., abstract, col 13, lines

4-24, commercial enterprise or bank).

RESPONSE TO ARGUMENTS

5.   Applicant's arguments filed on 10/31/2003 have been fully considered but they are moot in

view of new ground of rejection.

Conclusion

6.   Any inquiry concerning this communication from the examiner should be directed to Pierre

Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from

6:30AM. to 5:00PM.

Art Unit: 3621

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor,

James Trammell can be reached on (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

(703) 305-7687

Pierre Eddy Elisca

Primary Examiner

January 05, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,374	12/12/2001	Jeffrey Scott Eder		9952

29051   7590   05/24/2004

JEFF EDER
19108 30TH DRIVE SE
MILL CREEK, WA 98012

EXAMINER
ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)	
Office Action Summary	10/012,374		EDER, JEFFREY SCOTT	
	Examiner		**Art Unit**	
	Pierre E. Elisca		3621	NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 March 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-77_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-77_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office action is in response to Applicant's Amendment, filed on 3/05/2004.

2.   Claims 1-77 are pending.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-77 are rejected under 35 U.S.C. 103 (a) as being unpatentable by King (U.S. Pat. No. 6,148,293) and Shepherd (U.S. Pat. No. 6,134,536) in view of Dembo et al (U.S. Pat. No. 6,278,981).

As per claims 1, 2, 8-14 and 20-77 King substantially discloses an operatively interconnected data processing for creating, servicing and paying loan agreements between a lender and borrower providing for repayment of the loan together with interest at a periodically adjusted rate based on the terms of the agreement (which is readable as Applicant's claimed invention wherein it is stated that a computer readable medium having sequences of instruction stored therein), comprising:

obtaining information for one or more segments of value (see., abstract, col 1, lines 50-55, col 18, lines 55-67, specifically wherein it is stated that accessing a current government securities interest rate matrix stored within data base 116 of fig 1);

completing one or more swap transactions (swaps or derivative security) for risks identified in the matrix of risk that can be swapped with other commercial enterprises (see., col 5, lines 63-67, col 6, lines 1-15, specifically wherein it is stated that risk may also be transferred through a fixed to floating rate interest swap contract, col 13, lines 4-24, please note that the financial instrument 100 of fig 1 manage and identify funds to be allocated to the various accounts, and therefore can identify swaps);

completing one or more product transactions to transfer one or more of the remaining (see., col 20, lines 55-67, fig 7f step 422, please note that rate matrix stores within data base 116, col 5, lines 63-67, col 6, lines 1-15). It is to be noted that King fails to explicitly disclose an organization risk information (or risk management). However, Shepherd discloses a risk management that constitute economic risk, commodity prices, currency exchange rates, interest rates, property prices, share prices, inflation rates and so on (see., abstract, col 1, lines 31-62, col 2, lines 1-67, col 3, lines 37-65). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the King's reference by including the limitation detailed above as taught by Shepherd because this would manage risk relating to specified, future events. King and Shepherd fail to disclose the recited feature of claim 18 wherein said a risk information and other tools for financial performance management at least a portion of said data. Dembo discloses a risk management in which a divide routine 42 is configured to divide

the input target portfolio or a portion of the portfolio (portfolio or data) see., col 9, lines 52-67. Accordingly, it would would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of King and Shepherd by including the limitation detailed above as taught by Dembo because this would estimate the risk of the target data.

As per claims 3-6, and 15-18, King discloses the claimed method wherein the matrix of risk includes risks associated with external factor variability (see., col 20, lines 55-67, rate matrix as entered into the system).

As per claims 7, and 19 King discloses the claimed method of analyzing and sells risk reduction products specifically tailored to the needs of the commercial enterprise (see., abstract, col 13, lines 4-24, commercial enterprise or bank).

RESPONSE TO ARGUMENTS

5.   Applicant's arguments filed on 3/5/2004 have been fully considered but they are moot in view of new ground of rejection. Necessitated by amendment/IDS filed on 3/5/2004.

REMARKS

6.   Applicant also maintains that King and Shephert cannot be combined, the Examiner recognizes that obviousness can only be established by combining or

modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071,5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. In re Fine, 837 F.2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also In re Eli Lilli & Co., 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); In re Nilssen, 851 F.2d 1401, 7USPQ2d 1500 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); Ex parte Clapp, 227 USPQ 972 (Bd. Pat. App & Inter); and Es parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning).

Also in reference to Ex parte Levengood, 28 USPQ2d, 1301, the court stated that "Obviousness is a legal conclusion, the determination of which is a question of patent law.

Motivation for combining the teachings of the various references need not to explicitly found in the reference themselves, In re Keller, 642 F.2d 413, 208USPQ 871 (CCPA 1981). Indeed, the Examiner may provide an explanation based on logic and sound

scientific reasoning that will support a holding of obviousness. In re Soli, 317 F.2d 941

137 USPQ 797 (CCPA 1963)"

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in

37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-

3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Trammell can be reached on 703 305-9769. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Pierre Eddy Elisca

Primary Patent Examiner

May 17, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,374	12/12/2001	Jeffrey Scott Eder		9952

29051   7590   08/23/2004

JEFF EDER
19108 30TH DRIVE SE
MILL CREEK, WA 98012

EXAMINER
ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

	Application No.	Applicant(s)
Office Action Summary	10/012,374	EDER, JEFFREY SCOTT
	Examiner	Art Unit
	Pierre E. Elisca	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _16 July 2004_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-77_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-5, 8-9, 11, 12, 15-66 and 71-77_ is/are rejected.
7) ☒ Claim(s) _6,7,10,13,14 and 67-70_ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is in response to Applicant's RCE/Amendment, filed on 07/16/2004.

2.   Claims 1-77 are pending.

Allowable Subject Matter

3.   Claims 6, 7, 10, 13, 14, 67, 68, 69, and 70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-5, 8-9, 11, 12, 15-66, and 71-77 are rejected under 35 U.S.C. 103 (a) as being unpatentable by King (U.S. Pat. No. 6,148,293) and Shepherd (U.S. Pat. No. 6,134,536) in view of Dembo et al (U.S. Pat. No. 6,278,981).

As per claims 1, 2, 8, 9, 11, 12, 15-66 and 71-77 King substantially discloses an operatively interconnected data processing for creating, servicing and paying loan agreements between a lender and borrower providing for repayment of the loan together with interest at a periodically adjusted rate based on the terms of the agreement (which is readable as Applicant's claimed invention wherein it is stated that a computer readable medium having sequences of instruction stored therein), comprising:

obtaining information for one or more segments of value (see., abstract, col 1, lines 50-55, col 18, lines 55-67, specifically wherein it is stated that accessing a current government securities interest rate matrix stored within data base 116 of fig 1);

where the segments of value are selected from the group consisting of current operation, real potions, derivatives, excess financial assets, market sentiment and combinations (see., col 5, lines 63-67, col 6, lines 1-15);

completing one or more product transactions to transfer one or more of the remaining (see., col 20, lines 55-67, fig 7f step 422, please note that rate matrix stores within data base 116, col 5, lines 63-67, col 6, lines 1-15). It is to be noted that King fails to explicitly disclose an organization risk information (or risk management, <u>contingent liabilities, even risks, variability risks, market volatitily, and optimal risk</u>). However, Shepherd discloses a risk management that constitute economic risk, commodity prices, currency exchange rates, interest rates, property prices, share prices, inflation rates and so on (see., abstract, col 1, lines 31-62, col 2, lines 1-67, col 3, lines 37-65). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the King's reference by including the limitation detailed above as taught by

Shepherd because this would manage risk relating to specified, future events. King and Shepherd fail to disclose the recited feature of claim 18 wherein said a risk information and other tools for financial performance management at least a portion of said data. Dembo discloses a risk management in which a divide routine 42 is configured to divide the input target portfolio or a portion of the portfolio (portfolio or data) see., col 9, lines 52-67. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of King and Shepherd by including the limitation detailed above as taught by Dembo because this would estimate the risk of the target data.

As per claims 3-5, and 15-18, King discloses the claimed method wherein the matrix of risk includes risks associated with external factor variability (see., col 20, lines 55-67, rate matrix as entered into the system).

As per claim 19 King discloses the claimed method of analyzing and sells risk reduction products specifically tailored to the needs of the commercial enterprise (see., abstract, col 13, lines 4-24, commercial enterprise or bank).

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Trammell can be reached on 703 305-9769. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Pierre Eddy Elisca

Primary patent Examiner

August 11, 2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,374	12/12/2001	Jeffrey Scott Eder		9952

29051	7590	07/06/2005

JEFF EDER
19108 30TH DRIVE SE
MILL CREEK, WA 98012

EXAMINER
ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/012,374	WANG, TSAN-CHI
	Examiner	Art Unit	
	Pierre E. Elisca	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 February 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _126-135_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _126-132_ is/are rejected.

7)☒ Claim(s) _133-135_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _3/8/05_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Regarding the status of the claims in the instant application, the Examiner has

found new prior art (IDS). The Examiner is obliged to apply the newly found prior art.

The Examiner regrets the delayed process of the application. Accordingly, claims 126-

135 are pending.

Allowable Subject Matter

2.   Claims 133-135 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC ₃ 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1126-135 are rejected under 35 U.S.C. 103 (a) as being unpatentable by

Ranger (U.S. Pat. No. 6,301,584) and Shepherd (U.S. Pat. No. 6,134,536) in view of

Dembo et al (U.S. Pat. No. 6,278,981).

As per claims 126-132 Ranger substantially discloses a data integration system/method

gathers information dynamically from one or more data sources, which may be located

at different servers and have incompatible formats, structures the information into a

configurable, object-oriented information model (which is readable as Applicant's

claimed invention wherein said a computer readable medium having sequences of

instruction stored therein), comprising:

obtaining information for one or more segments of value (see., abstract, col 2, lines 37-

59, specifically property values);

completing one or more swap transactions for risks identified in the matrix of risk that

can be swapped with other commercial enterprises (see., col 11, lines 31-49);

completing one or more product transactions to transfer one or more of the remaining

(see., col 11, lines 31-49, col 12, lines 26-67, col 13, lines 6-63). It is to be noted that

Ranger fails to explicitly disclose an organization risk information (or risk management).

However, Shepherd discloses a risk management that constitute economic risk,

commodity prices, currency exchange rates, interest rates, property prices, share

prices, inflation rates and so on (see., abstract, col 1, lines 31-62, col 2, lines 1-67, col

3, lines 37-65). It would have been obvious to a person of ordinary skill in the art at the

time the invention was made to modify the Ranger's reference by including the limitation

detailed above as taught by Shepherd because this would manage risk relating to

specified, future events. Ranger and Shepherd fail to disclose the recited feature of

claim 18 wherein said risk information and other tools for financial performance

management at least a portion of said data. Démbo discloses a risk management in

which a divide routine 42 is configured to divide the input target portfolio or a portion of
the portfolio (portfolio or data) see., col 9, lines 52-67. Accordingly, it would have been
obvious to a person of ordinary skill in the art at the time the invention was made to
modify the teachings of Ranger and Shepherd by including the limitation detailed above
as taught by Dembo because this would estimate the risk of the target data.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from
the examiner should be directed to Pierre E. Elisca whose telephone number is 703
305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, James Trammell can be reached on 703 305-9769. The fax phone number
for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Pierre Eddy Elisca

Primary Patent Examiner

June 20, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,374	12/12/2001	Jeffrey Scott Eder		9952

53787	7590	05/22/2006	

ASSET TRUST. INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

EXAMINER
ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 March 2006*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30 and 126-151* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *148-151* is/are allowed.

6)☒ Claim(s) *1-30, 126-132 and 136-147* is/are rejected.

7)☒ Claim(s) *133-135 and 144-146* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to Applicant's amendment filed on 08/08/2005.

2.   Claims 1-30 and 136-151 are added on 03/25/2006 and 08/08/2005. Claims 1-30 and 126-151 are pending.

Allowable Subject Matter

3.   Claims 133-135 and 144-146 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 148-151 are allowed over the prior art of record.

Claim Rejections - 35 USC ϶ 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-30,126-132 and 136-147 are rejected under 35 U.S.C. 103 (a) as being

unpatentable by Ranger (U.S. Pat. No. 6,301,584) and Shepherd (U.S. Pat. No.

6,134,536) in view of Dembo et al (U.S. Pat. No. 6,278,981).

As per claims 1-30, 126-132 and 136-147 Ranger substantially discloses a data

integration system/method gathers information dynamically from one or more data

sources, which may be located at different servers and have incompatible formats,

structures the information into a configurable, object-oriented information model (which

is readable as Applicant's claimed invention wherein said a computer readable medium

having sequences of instruction stored therein), comprising:

obtaining information for one or more segments of value (see., abstract, col 2, lines 37-

59, specifically property values);

completing one or more swap transactions for risks identified in the matrix of risk that

can be swapped with other commercial enterprises (see., col 11, lines 31-49);

completing one or more product transactions to transfer one or more of the remaining

(see., col 11, lines 31-49, col 12, lines 26-67, col 13, lines 6-63). It is to be noted that

Ranger fails to explicitly disclose an organization risk information (or risk management).

However, Shepherd discloses a risk management that constitute economic risk,

commodity prices, currency exchange rates, interest rates, property prices, share

prices, inflation rates and so on (see., abstract, col 1, lines 31-62, col 2, lines 1-67, col

3, lines 37-65). It would have been obvious to a person of ordinary skill in the art at the

time the invention was made to modify the Ranger's reference by including the limitation

detailed above as taught by Shepherd because this would manage risk relating to

specified, future events. Ranger and Shepherd fail to disclose the recited feature of claim 18 wherein said risk information and other tools for financial performance management at least a portion of said data. Dembo discloses a risk management in which a divide routine 42 is configured to divide the input target portfolio or a portion of the portfolio (portfolio or data) see., col 9, lines 52-67. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Ranger and Shepherd by including the limitation detailed above as taught by Dembo because this would estimate the risk of the target data.

RESPONSE TO ARGUMENTS

6.   Applicant's arguments filed on 08/08/2005 have been fully considered but they are not persuasive. Necessitated by amendment.

REMARKS

7.   In response to Applicant's arguments, Applicant maintains that Ranger, Shepherd, and Dembo cannot be combined, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071,5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. In re Fine, 837 F.2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also In re Eli Lilli & Co., 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); In re Nilssen, 851 F.2d 1401, 7USPQ2d 1500 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); Ex parte Clapp, 227 USPQ 972 (Bd. Pat. App & Inter); and Es parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning).

Also in reference to Ex parte Levengood, 28 USPQ2d, 1301, the court stated that "Obviousness is a legal conclusion, the determination of which is a question of patent law.

Motivation for combining the teachings of the various references need not to explicitly found in the reference themselves, In re Keller, 642 F.2d 413, 208USPQ 871 (CCPA 1981). Indeed, the Examiner may provide an explanation based on logic and sound scientific reasoning that will support a holding of obviousness. In re Soli, 317 F.2d 941 137 USPQ 797 (CCPA 1963)."

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Pierre E. Elisca whose telephone number is 571 272

6706. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Trammell can be reached on 571 272 6712. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Pierre Eddy Elisca

Primary Patent Examiner

May 12, 2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,094	01/16/2002	Jeff Scott Eder		2417

53787 7590 04/09/2007		EXAMINER
ASSET TRUST, INC.		CHENCINSKI, SIEGFRIED E
2020 MALTBY ROAD		
SUITE 7362	ART UNIT	PAPER NUMBER
BOTHELL, WA 98021	3692	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *16 January 2002*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-29* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-29* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☐ All   b) ☐ Some *   c) ☐ None of:

  1. ☐ Certified copies of the priority documents have been received.

  2. ☐ Certified copies of the priority documents have been received in Application No. _____.

  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date *See Continuation Sheet*

4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1.   **Claims 1, 28 and 29 are provisionally rejected** under 35 U.S.C. 101 as claiming the same invention as that of claims 1 and 27 of copending Application No. 2004/0215551 A1. This is a <u>provisional</u> double patenting rejection since the conflicting claims have not in fact been patented. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 28 and 29 in the application and independent claims 1 and 27 in the copending application are each concerned with a computer-based method for determining the financial market value for the components of a business enterprise and developing options for enhancing the future financial value of management decisions.

2.   **Claims 1, 28 and 29 are rejected** on the ground of nonstatutory obviousness-
type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,393,406
and claims 1 and 12 of U.S. Patent No. 6,393,406. Although the conflicting claims are
not identical, they are not patentably distinct from each other because claim 1 in the
application and the independent claims in the patents are each concerned with a
computer-based method for determining the financial market value for the components
of a business enterprise and developing options for enhancing the future financial value
of management decisions.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter,
> or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

3.   **Claims 1-12 are rejected** because the claimed invention is directed to non-
statutory subject matter. Claims 1, 28 and 29 are not directed to any one of the areas of
patentable subject matter, such as product, process, process of making or composition.
Dependent claims 2-27 are rejected because of their dependence on independent claim
1. In other words, claims 1, 28 and 29 are rejected under 35 U.S.C. 101 because the
claimed invention is not supported by either a clearly asserted utility or a well
established utility.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

1) In the claim, the practical application of an algorithm or idea results in a useful,
concrete, tangible result.

Applicant is advised to satisfy the statutory requirements for the claims. Applicant is also
advised not to add any new matter to the specification or the claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4.   **Claims 1, 28 and 29 are also rejected** under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a clearly asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   **Claims 43-46, 48-52 and 54-86 are rejected under 35 U.S.C. 112, second paragraph**, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are the steps which would lead an ordinary practitioner of the art to successfully apply the invention to produce a concrete, reproducible quantitative valuation result of a firm. For example, Independent claims 1, 28 and 29 claim a system for integrated performance management, measuring of financial performance and flexible integration for a multi-enterprise organization without including one or more clear means for showing the ordinary practitioner how to implement the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 6, 7 and 9 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Joao.

Re. Claim 6, Sandretto discloses systems and methods and apparatus for: (1) inputting economic variables expected to influence future asset values and asset-specific variables; (2) estimating financial statements, future asset values, and tentative asset NPVs using estimated economic variables and estimated asset-specific variables; (3) estimating different financial statements, future asset values and current asset NPVs assuming different estimates of the economic variables that affect asset values; and (4) processes to: (a) equate; or (2) reduce to acceptably small numbers the differences between: (i) the risk measures, terminal values, default premiums, and risk premiums used to determine current values, and (ii) risk measures, terminal values, default premiums, and risk premiums implied by the estimates of economic and firm-specific variables. Sandretto implicitly discloses a performance management system for a multi-enterprise organization, including means for integrating narrow performance data in accordance with an organization matrix determining value contributions, creating scenarios, determining optimization scenarios, and communicating the optimal features mix to the narrow systems implementation. Therefore, an ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have used Sandretto's disclosures for the purpose of developing an integrated performance management system for a multi-enterprise organization, motivated by a desire to offer an improved method for estimating asset values (Col. 2, ll. 2-65).

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Richard E. Chilcot, can be reached on (571) 272-6777.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR
only. For more information about the PAIR system, see http://pair-direct.uspto.gov.
Should you have questions on access to the Private PAIR system, contact the
Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

or Faxed to (571)273-8300 [Official communications; including After Final

communications labeled "Box AF"]

or Faxed to *(571) 273-6792* [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above
USPTO web site in Alexandria, VA.

SEC

April 2, 2007

FRANTZY POINVIL
PRIMARY EXAMINER

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,094	01/16/2002	Jeff Scott Eder		2417

			EXAMINER
53782 7590 12/04/2007			CHENCINSKI, SIEGFRIED E
ASSET TRUST, INC.			
2020 MALTBY ROAD		ART UNIT	PAPER NUMBER
SUITE 7362		3691	
BOTHELL, WA 98021			

MAIL DATE	DELIVERY MODE
12/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/046,094	EDER, JEFF SCOTT
	Examiner	Art Unit
	Siegfried E. Chencinski	3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 August & 19 November 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>69-95</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>69-95</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date <u>8/09/07; 9/03/07, 11/21/07</u>

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   Applicant has submitted 190 IDS documents for consideration since the examiner's last Office Action. The examiner has not considered these submissions because he is unable to consider this volume of IDS material. Therefore, the examiner requests Applicant's cooperation in this prosecution under MPEP 609.04(a) III, last paragraph, that Applicant submit a "concise explanation of why the English-language information is being submitted and how it is understood to be relevant. Concise explanations (especially those which point out the relevant pages and lines) which are helpful to the Office" will be helpful fort any ongoing prosecution of this application.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3.   **Claims 69, 79 and 88 are provisionally rejected** on the ground of nonstatutory obviousness-type double patenting as being unpatentable over copending Application No. 09/994,740 (PreGrant Publication 2004/0215551 A1). This is a provisional double patenting rejection since the conflicting claims have not in fact been patented. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 69, 79 and 88 in the application and independent claims 1 and 27 in the copending application are each concerned with a computer-based method for determining the financial market value for the components of a business enterprise, assessing the financial impact of risk and developing options for enhancing the future financial value of management decisions.

4.   **Claims 69, 79 and 88 are rejected** on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,393,406 and claims 1 and 12 of U.S. Patent No. 6,393,406. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 in the application and the independent claims in the patents are each concerned with a computer-based method for determining the financial market value for the components of a business enterprise, assessing the financial impact of risk and developing options for enhancing the future financial value of management decisions.

<center>*Claim Rejections - 35 USC § 101*</center>

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.　　　**Claims 69-95 are rejected** because the claimed invention is directed to non-statutory subject matter.　Claims 69, 79 and 88 are not directed to any one of the areas of patentable subject matter, such as product, process, process of making or composition. Dependent claims 70-79, 80-87 and 89-95 are rejected because of their dependence on independent claim 1. In other words, claims 69, 79 and 88 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a clearly asserted utility or a well established utility.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

　　　1) In the claim, the practical application of an algorithm or idea results in a useful, concrete, tangible result.

In the instant application, the independent claims fail to produce a useful, concrete or tangible result because the method steps end with the performance of a financial simulation which is left unused and unapplied. In other words, it is merely an esoteric exercise without a practical application.

Applicant is advised to satisfy the statutory requirements for the claims. Applicant is also advised not to add any new matter to the specification or the claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6.　　　**Claims 69-95 are also rejected** under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a clearly asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention. Ordinary practitioners would not be able to achieve repeatable results and thus is not concrete. The invention cannot

achieve repeatable results because its implementation requires many subjective judgments and has so many parameters that that results cannot be repeated independently.

7.   **Claims 69-95 are also rejected** under 35 U.S.C. 112, first paragraph, because the best mode contemplated by the inventor has not been disclosed. Evidence of concealment of the best mode is based upon the fact that no best mode is found in the specification (MPEP 2106. IV.C.2(2)c)

> The following is a quotation of the second paragraph of 35 U.S.C. 112:
>
> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8.   **Claims 69-95 are rejected under 35 U.S.C. 112, second paragraph**, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are the steps which would lead an ordinary practitioner of the art to successfully apply the invention to produce a concrete, reproducible quantitative valuation result of a firm. For example, Independent claims 69, 79 and 88 claim program storage devices readable by a computer and a method for integrated performance management, measuring of financial performance and flexible integration for brand risk management without including one or more clear means for showing the ordinary practitioner how to implement the invention.

9.   **Independent claims 69, 79 and 88 are rejected under 35 U.S.C. 112, second paragraph**, because these claims recite the limitation "brand risk management in the preamble and in the first limitation of each claim. There is insufficient antecedent basis for this limitation in these independent claims. Further, the examiner has been unable to find broader descriptions in the specification which reasonably link risk management to brand risk management.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. **Claims 69-95 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Sandretto (US Patent 5,812,988).

Re. Claims 69-95, Sandretto discloses a computer implemented method and apparatus for: (1) inputting economic variables expected to influence future asset values and asset-specific variables; (2) estimating financial statements, future asset values, and tentative asset NPVs using estimated economic variables and estimated asset-specific variables; (3) estimating different financial statements, future asset values and current asset NPVs assuming different estimates of the economic variables that affect asset values; and (4) processes to: (a) equate; or (2) reduce to acceptably small numbers the differences between: (i) the risk measures, terminal values, default premiums, and risk premiums used to determine current values, and (ii) risk measures, terminal values, default premiums, and risk premiums implied by the estimates of economic and firm-specific variables (Abstract). Sandretto's teaching includes a program storage device readable by a computer, tangibly embodying a program of instructions executable by at least one computer to perform the steps of his method (Col. 14, ll. 30-32). Sandretto implicitly discloses a performance management system for a multi business unit organization, including means for integrating narrow performance data from business units in accordance with an organization matrix determining value contributions, creating scenarios, determining elements of value, determining optimization scenarios, and communicating the optimal features mix to the narrow systems implementation. Sandretto teaches risk management in his method in the title, in the abstract and throughout his specification. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention that Sandretto's

risk management teachings could be applied to numerous value parameters of an enterprise, including brand risk management, since applicant's claimed invention includes the variables understood by an ordinary practitioner in a large corporation having numerous business units to be used in risk assessed financial valuations and forecasts for such a corporation. Therefore, an ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have used Sandretto's disclosures for the purpose of developing an integrated brand risk management systems, methods and a program storage device for a multi-enterprise organization, motivated by a desire to offer an improved method for estimating asset values (Col. 2, II. 2-65).

Response to Arguments

10.   Applicant's arguments received on August 25, 2007 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is

(571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Alexander Kalinowski, can be reached on (571) 272-6771.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

or Faxed to (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

or Faxed to (571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

November 29, 2007

NARAYANSWAMY SUBRAMANIAN
PRIMARY EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/329,172	12/23/2002	Jeff Scott Eder	VM-50	1664

29051   7590   08/11/2004

JEFF EDER
19108 30TH DRIVE SE
MILL CREEK, WA 98012

EXAMINER
DASS, HARISH T

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 December 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-41</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-41</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 30 recites the limitation "the method" in page 5 line 15. There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 39-41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it

pertains, or with which it is most nearly connected, to make and/or use the invention.

The rejected claims cover every conceivable product.

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 39-41 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. The rejected claims do not recite any elements of the

claimed product. Thus, they do not clearly set forth metes and bounds of the claimed

product.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 39-41 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. See MPEP section 2106 (IV) B1 for

nonstatutory subject matter where the claims to a products are nothing but ordinary

insurance policies and merely claiming nonfunctional descriptive material that can be on

paper, which does not make it statutory. "Nonfunctional descriptive material" includes

but is not limited to music, literary works and a compilation or mere arrangement of

data.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 11-22, 30-39 and 41 are rejected under 35 U.S.C. 102(b) as being

anticipated by Garman (US 5,819,237).

Re. Claims 1, 20 and 39 Garman discloses a method and a system for assessment of

market-based financial risk in the trading of financial instruments, where a software

product employs this method in a financial analysis application in an optimized

implementation, and the system includes the software product along with databases

storing the trading portfolio(s)[See entire document particularly, Abstract; Figure 2; C 1

L6 to C4 L54], networked computers each with a processor having circuitry to execute

instructions [Figure 2; C5 L1-L10], a storage device available to each processor with

sequences of instructions stored therein [Fig. 2 (#115, #140); C5 L1-L10], which when

executed cause the processors [Fig. 2 (#111)] to: obtain quantified risk data by element

of value for a plurality of customers [C5 L27-L45; C11 L57-L61], and analyze the

quantified client risk data to identify swap transactions between customers that will

reduce their risk [Abstract; C1 L66 to C2 L24].

Re. Claims 2 and 21, Garman discloses where the swap transactions exchange risk

associated with one *or* more elements of value, risk associated with one *or* more

external factors and combinations thereof (λi) [C9 L27-L39].

Re. Claims 3 and 22, Garman discloses where the swap transactions are completed in

an automated fashion [C1 L6-L11].

Re. Claims 11 and 30, Garman discloses obtaining risk transfer operation regulatory

requirements and performance data, generating scenarios for customer risk transfer

and risk transfer operation performance using the performance data, regulatory

requirements and client risk data [C2 L35-47; C10 L18-L26], and identifying, displaying

and optionally implementing the optimal mode for risk transfer operation and customer

risk transfer in an automated fashion [abstract; Figure 2 (#116); C3 L32-L58; C10 L57 to

C11 L21].

Re. Claims 12 and 31, Garman discloses where the risk transfer operation is risk

exchange (market *risk* of the *swap*) [C2 L8].

Re. Claims 13 and 32, Garman discloses incremental VaR impact values, ranked to

identify the trade(s) that most favorably reduce the VaR measure, and derivative vectors

(which includes such states, where the scenarios are selected from the group consisting

of normal, extreme and combinations thereof) [C3 L60 to C4 L5; C11 L15-L21; C11

L33-L40].

Re. Claims 14 and 33, Garman discloses where the optimal operating modes are

determined for each scenario [Abstract].

Re. Claims 15-19, 34-38 and 41, Garman discloses where the optimal operating mode

for each customer is the mode that maximizes value for a given level of risk within the

constraints imposed by the customers available capital (cashflow), where a multi-criteria

optimization can be used to identify the optimal operating mode for optimizing (product

of two vectors), where the optimal mode for the risk transfer operation is the mode that

maximizes value while satisfying regulatory requirements. [Abstract; C7 L1 to C8 L30;

LC12 L57-L67], where implementing the optimal customer risk transfer and value-at-

Risk (VaR) is a method for assessment of market-based financial *risk* in the trading of

financial instruments (consisting of insurance policy transactions, swap transactions,

derivative transactions and combinations, contingent capital contract changes,

contingent capital contract purchases, investment duration changes, investment mix

changes, product additions, product specification changes, product price changes,

reserve changes and combinations) [Abstract].

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 6 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Garman.

Re. Claims 6 & 25, Garman discloses quantified risk data [C5 L27-L45; C11 L57-L61].

Garman does not explicitly disclose xml schema. However, xml schema is well known

and used by web pages. It would have been obvious at the time the invention was made

to a person having ordinary skill in the art to modify the disclosure of Garman and add

use of xml schema to allow the user to input data on web page which is similar to

ordinary page and to make it easy and understandable.

Claims 4-5, 7-9, 23-24, 26-28 and 40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Garman in view of King et al (hereinafter King – US 5,704,045)

Re. Claims 4-5, 7-8, 23-24 and 26-27 Garman does not explicitly where the customers

are enterprises, multi company corporations *or* value chains and where the customers

are enterprises, multi company corporations *or* value chains, where the quantified risk

data are provided by the customer, developed from customer supplied data and

combinations, where the quantified risk data are provided by the customer, developed

from customer supplied data and combinations, where the quantified risk data by

element of value identifies element value drivers, and where the risks are event risks,

contingent liabilities, volatility risks and combinations. However, King discloses financial

management system for insurance or other financial enterprise, transferring risk to an

entity and where the customers are enterprises, multi company corporations *or* value

chains, where the quantified risk data are provided by the customer, developed from

customer supplied data and combinations, where the quantified risk data are provided

by the customer, developed from customer supplied data and combinations, where the

quantified risk data by element of value identifies element value drivers, and where the

risks are event risks, contingent liabilities, volatility risks and combinations [C9 L6-L13;

C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer a

single unique risk of large corporation (entity). It would have been obvious at the time

the invention was made to a person having ordinary skill in the art to modify the

disclosure of Garman and include quantifiable risk data for corporations, as taught by

King, to monitor the risk and quantify the amount of liability of the entity.

Re. Claims 9, 28 and 40 Garman discloses assets. Garman does not explicitly disclose

where the elements of value are selected from the group consisting of alliances, brands,

channels, customers, customer relationships, employees, equipment, intellectual

property, partnerships, processes, production equipment, vendors, vendor relationships

and combinations thereof. However, King discloses these well-known steps as assets,

where these assets are usually reflected on corporations' financial statements. It would

have been obvious at the time the invention was made to a person having ordinary skill

in the art to modify the disclosure of Garman and include the list of assets from financial

statement to provide detail breakdown of assets and their values for better

understanding of each asset and their values.

Claims 10 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Garman in view of Dembo et al (hereinafter Dembo – US 6,278,981).

Re. Claims 10 and 29, Garman discloses value-at-risk, assets, current value and risk

behavior. Garman does not explicitly disclose where external factors are selected from

the group consisting of commodity prices, inflation rate, gross domestic product,

volatility, interest rates, insider trading, consumer confidence, organization performance

against expectations, the unemployment rate and combinations thereof. However,

Dembo et al (hereinafter Dembo – US 6,278,981) discloses volatility [C5 L20-L25] to value the portfolio under all of those scenarios. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman and include volatility, as described by Dembo, to generate risk factor space.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3628

8/3/04

HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/329,172	12/23/2002	Jeff Scott Eder	VM-50	1664

29051   7590   06/08/2005

JEFF EDER
19108 30TH DRIVE SE
MILL CREEK, WA 98012

EXAMINER
DASS, HARISH T

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/329,172	EDER, JEFF SCOTT
	Examiner	Art Unit
	Harish T Dass	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>8/28/2004</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>42-82</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>42-82</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/7/05, 8/24/04</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

- Claims 1 - 41 are cancel.
- Resubmit IDS for Foreign Patent documents and non-patent literature. The missing documents are marked with (*) asterisk.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 71-74 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically claim 71 lines 5-6 "where the optimal set of risk transfer transactions is the set that minimizes the value impact of retained risks within the constraints on risk transfer imposed by the capital available for risk transfer purchases".

Claims 81-82 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The rejected claims cover every conceivable product. Provide clarity and sections, pages which enable the examiner to clearly evaluate the claims.

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 81-82 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejected claims do not recite any elements of the claimed product. Thus, they do not clearly set forth metes and bounds of the claimed product.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 71-74 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As an initial matter, the United States Constitution under Art. I, §8, cl. 8 gave Congress the power to "[p]romote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries". In carrying out this power, Congress authorized under 35 U.S.C. §101 a grant of a patent to "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition or matter, or any new and useful improvement thereof." Therefore, a fundamental premise is that a patent is a statutorily created vehicle for Congress to confer an exclusive right to the inventors for "inventions" that

promote the progress of "science and the useful arts". The phrase "technological arts"

has been created and used by the courts to offer another view of the term "useful arts".

See In re Musgrave, 167 USPQ (BNA) 280 (CCPA 1970). Hence, the first test of

whether an invention is eligible for a patent is to determine if the invention is within the

"technological arts".

Further, despite the express language of §101, several judicially created

exceptions have been established to exclude certain subject matter as being patentable

subject matter covered by §101. These exceptions include "laws of nature", "natural

phenomena", and "abstract ideas". See Diamond v. Diehr, 450, U.S. 175, 185, 209

USPQ (BNA) 1, 7 (1981). However, courts have found that even if an invention

incorporates abstract ideas, such as mathematical algorithms, the invention may

nevertheless be statutory subject matter if the invention as a whole produces a "useful,

concrete and tangible result." See State Street Bank & Trust Co. v. Signature Financial

Group, Inc. 149 F.3d 1368, 1973, 47 USPQ2d (BNA) 1596 (Fed. Cir. 1998).

This "two prong" test was evident when the Court of Customs and Patent

Appeals (CCPA) decided an appeal from the Board of Patent Appeals and Interferences

(BPAI). See In re Toma, 197 USPQ (BNA) 852 (CCPA 1978). In Toma, the court held

that the recited mathematical algorithm did not render the claim as a whole non-

statutory using the Freeman-Walter-Abele test as applied to Gottschalk v. Benson, 409

U.S. 63, 175 USPQ (BNA) 673 (1972). Additionally, the court decided separately on the

issue of the "technological arts". The court developed a "technological arts" analysis:

The "technological" or "useful" arts inquiry must focus on whether the claimed

subject matter...is statutory, not on whether the product of the claimed subject

matter...is statutory, not on whether the prior art which the claimed subject matter

purports to replace...is statutory, and not on whether the claimed subject matter is

presently perceived to be an improvement over the prior art, e.g., whether it "enhances"

the operation of a machine. In re Toma at 857.

In Toma, the claimed invention was a computer program for translating a source

human language (e.g., Russian) into a target human language (e.g., English). The

court found that the claimed computer implemented process was within the

"technological art" because the claimed invention was an operation being performed by

a computer within a computer.

The decision in State Street Bank & Trust Co. v. Signature Financial Group, Inc.

never addressed this prong of the test. In State Street Bank & Trust Co., the court

found that the "mathematical exception" using the Freeman-Walter-Abele test has little,

if any, application to determining the presence of statutory subject matter but rather,

statutory subject matter should be based on whether the operation produces a "useful,

concrete and tangible result". See State Street Bank & Trust Co. at 1374. Furthermore,

the court found that there was no "business method exception" since the court decisions

that purported to create such exceptions were based on novelty or lack of enablement

issues and not on statutory grounds. Therefore, the court held that "[w]hether the

patent's claims are too broad to be patentable is not to be judged under °101, but rather

under §§102, 103 and 112." See State Street Bank & Trust Co. at 1377. Both of these

analysis goes towards whether the claimed invention is non-statutory because of the

presence of an abstract idea. Indeed, State Street abolished the Freeman-Walter-Abele

test used in Toma. However, State Street never addressed the second part of the

analysis, i.e., the "technological arts" test established in Toma because the invention in

State Street (i.e., a computerized system for determining the year-end income,

expense, and capital gain or loss for the portfolio) was already determined to be within

the technological arts under the Toma test. This dichotomy has been recently

acknowledged by the Board of Patent Appeals and Interferences (BPAI) in affirming a

§101 rejection finding the claimed invention to be non-statutory. See Ex parte Bowman,

61 USPQ2d (BNA) 1669 (BdPatApp&Int 2001).

In the present application, Claims 71-74 have no connection to the technological

arts. None of the steps indicate any connection to a computer or technology.

Therefore, the claims are directed towards non-statutory subject matter. To overcome

this rejection the Examiner recommends that Applicant amend the claims to better

clarify which of the steps are being performed within the technological arts.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 71 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman (US 5,819,237).

Re. Claim 71, Garman discloses obtaining value impact and risk data by element of value and market value factor for each of a plurality of customers [C 1 L6 to C4 L54; C5 L27-L45; C11 L57-L61; C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40], analyzing said data to identify an optimal set of risk transfer transactions for each customer [Abstract; C1 L66 to C2 L24], and optionally implementing the optimal set of risk transfer transactions where customer risk transfer transactions are selected from the group consisting of insurance policy transactions, swaps, derivative transactions and combinations thereof [abstract; Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21]. Garman does not explicitly disclose where the optimal set of risk transfer transactions is the set that minimizes the value impact of retained risks within the constraints on risk transfer imposed by the capital available for risk transfer purchases. However, it is known that the optimization analysis is expressed in relevant trade-offs and constraints as an objective mathematical function to be maximized or minimized and in business the objective is to minimize the risk of loss and maximize the income/profit. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman to calculate the relative trade-off shifting the risk by changing constrains to reduce the losses.

Re. Claim 74, Garman discloses where the quantified risk data are obtained from the group consisting of data provided by one or more customers, analysis of data supplied

by one or more customers, analysis of data from external sources and combinations

thereof [C5 L27-L45; C11 L57-L61].

Claims 72-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman

(US 5,819,237) in view of King et al (hereinafter King – US 5,704,045).

Re. Claims 72-73, Garman does not explicitly disclose where the elements of value are

selected from the group consisting of interest rates. However, However, King discloses

these well-known steps as assets [Abstract; C3 L12-L17; C4 L58 to C5 L21], where

these assets are usually reflected on corporations' financial statements. It would have

been obvious at the time the invention was made to a person having ordinary skill in the

art to combine the disclosures of Garman, and King and include the list of assets from

financial statement to provide detail breakdown of assets and their values for better

understanding of each asset and their values.

Claims 42-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman

(US 5,819,237) in view of King et al (hereinafter King – US 5,704,045) and Epstein (US

6795811).

Re. Claim 42, Garman discloses obtaining quantified risk data for a plurality of

customers [Garman - See entire document particularly, Abstract; Figure 2; C 1 L6 to C4

L54; C5 L27-L45; C11 L57-L61] and analyzing the quantified customer risk data to

identify one or more swap transactions between customers that will reduce their risk

[Garman Abstract; C1 L66 to C2 L24]. Garman does not explicitly disclose where the quantified risks are selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof and optionally completing one or more of the identified transactions in an automated fashion. However, King discloses where the quantified risks are selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof [King - C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer a single unique risk of large corporation (entity), and Epstein discloses optionally completing one or more of the identified transactions in an automated fashion [Epstein - Abstract; C1 L31-L42; C2 L37-L48] to immediately accept best investment available at the end of predetermine period. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Garman, King and Epstein to provide automatic quantified risk analyses, transfer and accepting of a unique risk of an entity to avoid losses.

Re. Claims 43 and 47, King further discloses where the customers are enterprises, multi company corporations or value chains, and where the quantified risk data identifies risk by category of value where the categories of value are selected from the group consisting of current operation, real options [C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57], to transfer a single unique risk of large corporation (entity)]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Garman, King and

Epstein to provide automatic quantified risk analyses, transfer and accepting of a unique risk of an entity to avoid losses.

Re. Claim 44, Garman discloses where the quantified risk data are obtained from the group consisting of data provided by one or more customers, analysis of data supplied by one or more customers, analysis of data from external sources and combinations thereof [Garman - C5 L27-L45; C11 L57-L61].

Re. Claim 45, Garman discloses where the swap transactions exchange risk associated with one or more elements of value, risk associated with one or more market value factors and combinations thereof ($\Sigma\Gamma$) [Garman - C9 L27-L39].

Re. Claim 46 Garman discloses assets. Garman does not explicitly disclose where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, equipment, intellectual property, partnerships, processes, production equipment, supply chains, vendors, vendor relationships and combinations thereof and market value factors are selected from the group consisting of commodity prices, inflation rate, gross domestic product, volatility, interest rates, insider trading, consumer confidence, organization performance against expectations, the unemployment rate and combinations thereof. However, King discloses these well-known steps as assets [Abstract; C3 L12-L17; C4 L58 to C5 L21], where these assets are usually reflected on corporations' financial statements. It would

have been obvious at the time the invention was made to a person having ordinary skill

in the art to combine the disclosures of Garman, King and Epstein and include the list of

assets from financial statement to provide detail breakdown of assets and their values

for better understanding of each asset and their values.

Re. Claim 48, Garman discloses where the method further comprises: obtaining risk

transfer operation regulatory requirements and performance data, generating scenarios

for customer risk transfer and risk transfer operation performance using the

performance data, regulatory requirements and customer risk data [Garman - C2 L35-

47; C10 L18-L26], identifying and displaying the optimal mode for customer risk transfer

and risk transfer operation under each scenario, and optionally implementing the

optimal mode for a chosen scenario in an automated fashion [Garman - abstract;

Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21].

Re. Claim 49, King further discloses where the risk transfer operation is an insurance

company, risk exchange or broker [King – C1 L9-L15; C2 L30 to C3 L63] to facilitate the

transfer of unique risks such as those with a high possibility of loss, where the loss

could come earlier rather than later or with more severity than projected. It would have

been obvious at the time the invention was made to a person having ordinary skill in the

art to combine the disclosures of Garman, King and Epstein to transfer a single unique

risk of large corporation.

Re. Claim 50, Garman discloses where the scenarios are selected from the group

consisting of normal, extreme and combinations thereof [Garman - C3 L60 to C4 L5;

C11 L15-L21; C11 L33-L40].

Re. Claim 51, Garman discloses where the optimal operating mode for each customer

is the mode that maximizes their expected value for a given level of risk within the

constraints imposed by the capital they have available for risk transfer purchases

[Garman - Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 52, Garman discloses where implementing the optimal customer risk transfer

includes completing transactions from the group consisting of insurance policy

transactions, swap transactions, derivative transactions and combinations thereof

[Garman - Abstract].

Re. Claim 53, Garman discloses where the optimal mode for the risk transfer operation

is the mode that maximizes value while satisfying regulatory requirements [Garman -

Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 54, Garman discloses where implementing the optimal mode for the risk

transfer operation includes taking actions selected from the group consisting of

contingent capital contract changes, contingent capital contract purchases, investment

duration changes, investment mix changes, product additions, product specification

changes, product price changes, changing reserves and combinations thereof [Garman

- Abstract].

Re. Claim 55, Garman discloses where a multi-criteria optimization can be used to

identify the optimal operating mode for optimizing two or more aspects of financial

performance for the risk transfer operation or customers [Garman - Abstract; C7 L1 to

C8 L30; LC12 L57-L67].

Re. Claim 56, Claim 56 has the same limitations as claims 42 and 47, therefore it is

rejected on the same rational as claim 42 and 47.

Re. Claim 57, claim 57 is rejected with same rational as claim 48.

Re. Claim 58, claim 58 is rejected with same rational as claim 52.

Re. Claim 59, claim 59 is rejected with same rational as claim 43.

Re. Claim 60, Garman does not explicitly disclose where the organization related data

complies with a common xml schema. However, xml schema is well known and used by

web pages which can include data. It would have been obvious at the time the invention

was made to a person having ordinary skill in the art to modify the disclosure of Garman

and add use of xml schema to allow the user to input data on web page which is similar

to ordinary page and to make it easy and understandable.

Re. Claim 61, claim 61 is rejected with same rational as claim 46.

Re. Claims 62-63, Garman discloses where the value impact of each element of value

and market value factor is identified as part of risk quantification [C3 L60 to C4 L5; C11

L15-L21; C11 L33-L40], and where the optimal set of transactions for each customer is

the set that maximizes the value impact of the transferred risk within the constraints

imposed by the customer's available capital [Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 64, claim 64 is rejected with same rational as claim 46.

Re. Claim 65, claim 65 is rejected with same rational as claim 51.

Re. Claim 66, claim 66 is rejected with same rational as claim 48.

Re. Claim 67, claim 66 is rejected with same rational as claim 49.

Re. Claim 68, claim 68 is rejected with same rational as claim 50.

Re. Claim 69, claim 69 is rejected with same rational as claim 53.

Re. Claim 70, claim 70 is rejected with same rational as claim 54.

Claims 75-80 and are rejected under 35 U.S.C. 103(a) as being unpatentable over

Garman in view of King.

Re. Claims 75-76 and 78, Garman discloses management systems for a plurality of

customers, means for accessing and storing data from said management systems

[figure 2; C14 L20-L25; C5 L1-L10]; C11 L57-L61], means for obtaining and storing risk

transfer operation regulatory requirements and performance data, means for generating

scenarios for customer risk transfer requirements and risk transfer operation

performance using the performance data, regulatory requirements and customer data

[C2 L35-47; C10 L18-L26]; and means for identifying, displaying and optionally

implementing the optimal mode for risk transfer operation [abstract; Figure 2 (#116); C3

L32-L58; C10 L57 to C11 L21]. Garman does not explicitly disclose where the customer

risks are selected from the group consisting of event risks, contingent liabilities, volatility

risks and combinations thereof, and where management systems are selected from the

group consisting of advanced financial systems, basic financial systems, web site

management systems, alliance management systems, brand management systems,

customer relationship management systems, channel management systems, intellectual

property management systems, process management systems, vendor management

systems, operation management systems, sales management systems, human

resource systems, accounts receivable systems, accounts payable systems, capital

asset systems, inventory systems, invoicing systems, payroll systems, enterprise

resource planning systems (ERP), material requirement planning systems (MRP),

scheduling systems, quality control systems, purchasing systems, risk management

systems, the Internet, external databases, user input and combinations thereof.

However, King discloses these steps [King - C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38

to C7 L6; C19 L12-L28; C26 L33-L57] to transfer a single unique risk of large

corporation (entity). It would have been obvious at the time the invention was made to a

person having ordinary skill in the art to combine the disclosure of Garman, and King to

provide quantified risk analyses, and transfer of risk a unique risk such as: event risks, contingent liabilities, or volatility risks of an entity to avoid, minimize or reduce losses.

Re. Claim 77, Garman discloses where the value impact of each element of value and market value factor is identified as part of scenario development [C2 L35-47; C10 L18-L26; C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40].

Re. Claims 79-80, Garman discloses where implementing the optimal mode further comprises completing actions selected from. the group consisting of contingent capital contract changes, contingent capital contract purchases, investment duration changes, investment mix changes, product additions, product specification changes, product price changes, reserve changes, implementing an optimal set of risk transfer transactions for each customer and combinations thereof and where customer risk transfer transactions are insurance policy transactions, swaps, derivative purchases and combinations thereof [Garman - Abstract].

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Claims 1-41 are canceled.

Claims 42-82 are rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

Caouette eta I, 1998 "Managing Credit Risk – The Next Great financial Challenge", John Wiley & Sons, Inc., NY – ISBN 0-471-11189-9; (USPTO EIC# HG 3751.C32, 1998). This text book is for credit risk in financial markets, and explains "Chapter 9 -Introduction to Credit risk models", techniques (Econometric techniques, Neural network, Optimization model, etc., "Chapter 20 -Credit Derivatives" to trade

credit risk and finding counter-party that will assume the risk, "Chapter 21 - Credit risk of

Derivatives" (swaps, calculation of exposure, currency swap, etc.), "Chapter 22 –

Country risk Models", etc.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Harish T Dass whose telephone number is 571-272-

6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hyung S Sough can be reached on 571-272-6799. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3628

4/19/05

HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/329,172	12/23/2002	Jeff Scott Eder	VM-50	1664

			EXAMINER
53787	7590	12/02/2005	DASS, HARISH T

ASSET TRUST, INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/329,172	EDER, JEFF SCOTT
	Examiner	Art Unit
	Harish T. Dass	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 July 2005</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>42-54,56-58,60-77,79-81 and 83-85</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>42-54,56-58,60-77,79-81 and 83-85</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/7/05, 8/24/04</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

7/29/2005 has been entered.

DETAILED ACTION

- Claims 1 - 41 were previously canceled.

- Claims 55, 59, 78 and 82 are canceled.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 71-74 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in

the relevant art that the inventor(s), at the time the application was filed, had possession

of the claimed invention. Specifically claim 71 lines 5-6 "where the optimal set of risk

transfer transactions is the set that minimizes the value impact of retained risks within

the constraints on risk transfer imposed by the capital available for risk transfer

purchases".

Claims 81 & 83 are rejected are rejected under 35 U.S.C. 112, first paragraph, as failing

to comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the

invention. The rejected claims cover every conceivable product. Provide clarity and

sections, pages which enable the examiner to clearly evaluate the claims.

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 81 & 83 are rejected are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention. The rejected claims do not

recite any elements of the claimed product. Thus, they do not clearly set forth metes

and bounds of the claimed product.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garman

(US 5,819,237) in view of SPAN MARGINING SYSTEM, Chicago Board of Trade

(CBOT), July 1, 1991 (hereinafter - PC-SPAN.)

Re. Claim 71, Garman discloses obtaining value impact and risk data by element of

value and market value factor for each of a plurality of customers [C 1 L6 to C4 L54; **C5**

L12-13, L27-L45; C11 L57-L61; C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40 – see

retrieve =obtain and receive],

analyzing said data to identify an optimal set of risk transfer transactions for each

customer [Abstract; C1 L66 to C2 L24], and optionally implementing an optimal set of

risk transfer transactions for one or more customers where transactions are selected

from the group consisting of insurance policy transactions, swaps, derivative

transactions and combinations thereof [abstract; Figure 2 (#116); C3 L32-L58; C10 L57

to C11 L21]. Garman does not explicitly disclose where the optimal set of risk transfer

transactions is the set that minimizes the value impact of retained risks within the

constraints on risk transfer imposed by the capital available for risk transfer purchases,

and under a scenario selected from the group consisting of normal, extreme and

combination thereof. However, it is known that the optimization analysis is expressed in

relevant trade-offs and constraints as an objective mathematical function to be

maximized or minimized and in business the objective is to minimize the risk of loss and maximize the income/profit. PC-SPAN discloses under a scenario selected from the group consisting of normal, extreme and combination thereof **[PC-SPAN** - see entire document particularly pages 3/72 and 12-14/72 - see extreme move is set at several times the normal range and extreme futures price move in Lines 15 and 16] to calculate new risks for an option or futures contract reacts to various scenarios of changing market conditions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman to calculate the relative trade-off shifting the risk by changing constrains to reduce the losses and determine contract () risk under a scenario selected from the group consisting of normal, extreme, as disclosed by PC-SPAN, to examine the risk under different scenarios.

Claims 72-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman (US 5,819,237) in view PC-SPAN, as applies to claim 71, and further in view of King et al (hereinafter King – US 5,704,045).

Re. Claims 72-73, Neither Garman nor PC-SPAN explicitly discloses where the elements of value are selected from the group consisting of interest rates. However, However, King discloses these well-known steps as assets [Abstract; C3 L12-L17; C4 L58 to C5 L21], where these assets are usually reflected on corporations' financial

statements. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Garman, and King and include the list of assets from financial statement to provide detail breakdown of assets and their values for better understanding of each asset and their values.

Re. Claim 74, Neither Garman nor PC-SPAN explicitly discloses where risks are selected from groups consisting of event risks, contingent liabilities, volatility risks and combinations thereof. However, King discloses this feature [C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer investment risks. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman and PC-SPAN and include risks are selected from groups consisting of event risks, contingent liabilities, volatility risks and combinations thereof, as disclosed by King, for transferring difficult to place risks.

Claims 42-43, 45-54, 56-58, 60-70, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman (US 5,819,237) in view of King et al (hereinafter King – US 5,704,045) and Epstein (US 6795811).

Re. Claim 42, Garman discloses obtaining quantified risk data for a plurality of customers [Garman - See entire document particularly, Abstract; Figure 2; C 1 L6 to C4

L54; C5 L27-L45; C11 L57-L61] and analyzing the quantified customer risk data to

identify one or more swap transactions between customers that will reduce their risk

[Garman Abstract; C1 L66 to C2 L24]. Garman does not explicitly disclose where the

quantified risks are selected from the group consisting of event risks, contingent

liabilities, volatility risks and combinations thereof and optionally completing one or more

of the identified transactions in an automated fashion. However, King discloses where

the quantified risks are selected from the group consisting of event risks, contingent

liabilities, volatility risks and combinations thereof [King - C9 L6-L13; C9 L42-L45; C3

L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer a single unique risk of

large corporation (entity), and Epstein discloses optionally completing one or more of

the identified transactions in an automated fashion [Epstein - Abstract; C1 L31-L42; C2

L37-L48] to immediately accept best investment available at the end of predetermine

period. It would have been obvious at the time the invention was made to a person

having ordinary skill in the art to combine the disclosure of Garman, King and Epstein to

provide automatic quantified risk analyses, transfer and accepting of a unique risk of an

entity to avoid losses.

Re. Claims 43 and 47, King further discloses where the customers are enterprises, multi

company corporations or value chains, and where the quantified risk data identifies risk

by category of value where the categories of value are selected from the group

consisting of current operation, real options [C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38

to C7 L6; C19 L12-L28; C26 L33-L57], to transfer a single unique risk of large

corporation (entity)]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Garman, King and Epstein to provide automatic quantified risk analyses, transfer and accepting of a unique risk of an entity to avoid losses.

Re. Claim 45, Garman discloses where a swap transaction exchanges risk associated with one or more elements of value, risk associated with one or more market value factors and combinations thereof ($\Sigma\Gamma$) [Garman - C9 L27-L39].

Re. Claim 46 Garman discloses assets. Garman does not explicitly disclose where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, equipment, intellectual property, partnerships, processes, production equipment, supply chains, vendors, vendor relationships and combinations thereof and market value factors are selected from the group consisting of commodity prices, inflation rate, gross domestic product, volatility, interest rates, insider trading, consumer confidence, organization performance against expectations, the unemployment rate and combinations thereof. However, King discloses these well-known steps as assets [Abstract; C3 L12-L17; C4 L58 to C5 L21], where these assets are usually reflected on corporations' financial statements. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Garman, King and Epstein and include the list of

assets from financial statement to provide detail breakdown of assets and their values

for better understanding of each asset and their values.

Re. Claim 48, Garman discloses where the method further comprises: obtaining risk

transfer operation regulatory requirements and performance data, generating scenarios

for customer risk transfer and risk transfer operation performance using the

performance data, regulatory requirements and customer risk data [Garman - C2 L35-

47; C10 L18-L26], identifying and displaying the optimal mode for customer risk transfer

and risk transfer operation under each scenario, and optionally implementing the

optimal mode for a chosen scenario in an automated fashion [Garman - abstract;

Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21].

Re. Claim 49, King further discloses where the risk transfer operation is an insurance

company, risk exchange or broker [King – C1 L9-L15; C2 L30 to C3 L63] to facilitate the

transfer of unique risks such as those with a high possibility of loss, where the loss

could come earlier rather than later or with more severity than projected. It would have

been obvious at the time the invention was made to a person having ordinary skill in the

art to combine the disclosures of Garman, King and Epstein to transfer a single unique

risk of large corporation.

Re. Claim 50, Garman discloses where the scenarios are selected from the group

consisting of normal, extreme and combinations thereof [Garman - C3 L60 to C4 L5;

C11 L15-L21; C11 L33-L40].

Re. Claim 51, Garman discloses where an optimal operating mode for each customer is

the mode that maximizes their expected value for a given level of risk within the

constraints imposed by the capital they have available for risk transfer purchases

[Garman - Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 52, Garman discloses where implementing the optimal customer risk transfer

includes completing transactions from the group consisting of insurance policy

transactions, swap transactions, derivative transactions and combinations thereof

[Garman - Abstract].

Re. Claim 53, Garman discloses where the optimal mode for the risk transfer operation

is the mode that maximizes value while satisfying regulatory requirements [Garman -

Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 54, Garman discloses where implementing the optimal mode for the risk

transfer operation includes taking actions selected from the group consisting of

contingent capital contract changes, contingent capital contract purchases, investment

duration changes, investment mix changes, product additions, product specification

changes, product price changes, changing reserves and combinations thereof [Garman

- Abstract].

Re. Claim 56, Claim 56 has the same limitations as claims 42 and 47 therefore it is

rejected on the same rational as claim 42 and 47.

Re. Claim 57, claim 57 is rejected with same rational as claim 48.

Re. Claim 58, claim 58 is rejected with same rational as claim 52.

Re. Claim 60, Garman does not explicitly disclose where the organization related data

complies with a common xml schema. However, xml schema is well known and used by

web pages which can include data. It would have been obvious at the time the invention

was made to a person having ordinary skill in the art to modify the disclosure of Garman

and add use of xml schema to allow the user to input data on web page which is similar

to ordinary page and to make it easy and understandable.

Re. Claim 61, claim 61 is rejected with same rational as claim 46.

Re. Claims 62-63, Garman discloses where a value impact of each element of value

and market value factor is identified as part of risk quantification [C3 L60 to C4 L5; C11

L15-L21; C11 L33-L40], and where an optimal set of transactions for each customer is

the set that maximizes the value impact of the transferred risk within the constraints

imposed by the customer's available capital [Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 64, Garman discloses where each swap transaction in an optimal set of risk

transfer transactions is selected from the group consisting of event risk swaps,

contingent liability swaps, volatility swaps and combinations thereof [Garman -

Abstract].

Re. Claim 65, claim 65 is rejected with same rational as claim 51.

Re. Claim 66, claim 66 is rejected with same rational as claim 48.

Re. Claim 67, claim 66 is rejected with same rational as claim 49.

Re. Claim 68, claim 68 is rejected with same rational as claim 50.

Re. Claim 69, claim 69 is rejected with same rational as claim 53.

Re. Claim 70, claim 70 is rejected with same rational as claim 54.

Re. Claim 84, Garman discloses obtaining quantified risk data for a plurality of

customers [Garman - See entire document particularly, Abstract; Figure 2; C 1 L6 to C4

L54; C5 L12-L45; C11 L57-L61; see receive, retrieve data -- J. P. Morgan's

RiskMetrics.TM. dataset, available daily and URL], and analyzing the quantified

customer risk data to identify one or more transactions for swapping an element of

value risk between customers that will reduce their risk [Garman Abstract; C1 L66 to

C2 L24]. Garman does not explicitly disclose where the quantified risks are identified by

an element of value and selected from the group consisting of event risks, continent

liabilities, volatility risks and combinations thereof, optionally completing one or more of

the identified transactions in an automated fashion, and

where the elements of value are selected from the group consisting of alliances,

brands, channels, customers, customer relationships, employees, equipment,

intellectual property, partnerships, processes, production equipment, supply chains,

vendors, vendor relationships and combinations thereof.

However, King discloses where the quantified risks are identified by an element

of value and selected from the group consisting of event risks, continent liabilities,

volatility risks and combinations thereof [King - C9 L6-L13; C9 L42-L45; C3 L4-L7; C6

L38 to C7 L6; C19 L12-L28; C26 L33-L57], and where the elements of value are

selected from the group consisting of alliances, brands, channels, customers, customer

relationships, employees, equipment, intellectual property, partnerships, processes,

production equipment, supply chains, vendors, vendor relationships and combinations

thereof [King - Abstract; C3 L12-L17; C4 L58 to C5 L21] to transfer a single unique risk

of large corporation (entity), and Epstein discloses optionally completing one or more of

the identified transactions in an automated fashion [Epstein - Abstract; C1 L31-L42; C2

L37-L48] to immediately accept best investment available at the end of predetermine

period. It would have been obvious at the time the invention was made to a person

having ordinary skill in the art to combine the disclosure of Garman, King and Epstein to

provide automatic quantified risk analyses, transfer and accepting of a unique risk of an

entity to avoid losses.

Claims 44 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman in view of King and Epstein as applies to claims 42 & 84, further in view of PC-SPAN.

Re. Claim 44, Garman, King, or Epstein does not explicitly disclose where each of the risks are quantified under scenarios are selected from group consisting of normal, extreme and combinations thereof. However PC-SPAN discloses this feature [see entire document particularly pages 3/72 and 12-14/72 - see extreme futures price move in Lines 15 and 16, extreme move is set at several times the normal range] to calculate new risks for an option or futures contract reacts to various scenarios of changing market conditions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Garman and King and include each of the risks are quantified under scenarios are selected from group consisting of normal, extreme and combinations thereof, as disclosed by PC-SPAN, to calculate new risks for various scenarios of financial contracts such as extreme fluctuation of price.

Re. Claim 85, Garman, King or Epstein does not explicitly disclose where each of the risks are quantified under scenarios are selected from the group consisting of normal, extreme and combinations thereof. However, PC-SPAN discloses where each of the risks are quantified under scenarios are selected from the group consisting of normal, extreme and combinations thereof [PC-SPAN - see entire document particularly pages

3/72 and 12-14/72 - see extreme move is set at several times the normal range and

extreme futures price move in Lines 15 and 16] to calculate new risks for an option or

futures contract reacts to various scenarios of changing market conditions. It would

have been obvious at the time the invention was made to a person having ordinary skill

in the art to modify the disclosure of Garman, King or Epstein and include risks are

quantified under scenarios are selected from the group consisting of normal, extreme

and combinations thereof as disclosed by PC-SPAN, to calculate new risks for various

scenarios of financial contracts as disclosed by PC-SPAN, to calculate new risks for

various scenarios of financial contracts such as extreme fluctuation of price.

Claims 75-77, and 79-80 and are rejected under 35 U.S.C. 103(a) as being

unpatentable over Garman in view of King.

Re. Claims 75-76, Garman discloses management systems for a plurality of customers,

means for accessing and storing data from said management systems [figure 2; C14

L20-L25; C5 L1-L10]; C11 L57-L61], means for obtaining and storing risk transfer

operation regulatory requirements and performance data, means for generating

scenarios for customer risk transfer requirements and risk transfer operation

performance using the performance data, regulatory requirements and customer data

[C2 L35-47; C10 L18-L26]; and means for identifying, displaying and optionally

implementing the optimal mode for risk transfer operation [abstract; Figure 2 (#116); C3

L32-L58; C10 L57 to C11 L21]. Garman does not explicitly disclose where the customer

risks are selected from the group consisting of event risks, contingent liabilities, volatility

risks and combinations thereof, and where management systems are selected from the

group consisting of advanced financial systems, basic financial systems, web site

management systems, alliance management systems, brand management systems,

customer relationship management systems, channel management systems, intellectual

property management systems, process management systems, vendor management

systems, operation management systems, sales management systems, human

resource systems, accounts receivable systems, accounts payable systems, capital

asset systems, inventory systems, invoicing systems, payroll systems, enterprise

resource planning systems (ERP), material requirement planning systems (MRP),

scheduling systems, quality control systems, purchasing systems, risk management

systems, the Internet, external databases, user input and combinations thereof.

However, King discloses these steps [King - C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38

to C7 L6; C19 L12-L28; C26 L33-L57] to transfer a single unique risk of large

corporation (entity). It would have been obvious at the time the invention was made to a

person having ordinary skill in the art to combine the disclosure of Garman, and King to

provide quantified risk analyses, and transfer of risk a unique risk such as: event risks,

contingent liabilities, or volatility risks of an entity to avoid, minimize or reduce losses.

Re. Claim 77, Garman discloses where the value impact of each element of value and

market value factor is identified as part of scenario development [C2 L35-47; C10 L18-

L26; C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40].

Re. Claims 79-80, Garman discloses where implementing the optimal mode further

comprises completing actions selected from. the group consisting of contingent capital

contract changes, contingent capital contract purchases, investment duration changes,

investment mix changes, product additions, product specification changes, product price

changes, reserve changes, implementing an optimal set of risk transfer transactions for

each customer and combinations thereof and where customer risk transfer transactions

are insurance policy transactions, swaps, derivative purchases and combinations

thereof [Garman - Abstract].

Response to Arguments

In response to applicant argument that Examiner's personal knowledge is

questioned in area of XML. Examiner has attached copies of documents which were

scanned during the prosecution of the file.

The following are NPL documents:

Extensive Markup Language, W3C Architecture domain,

http://webarchive.org/web/19990429215453/www.w3.org/XML

QL'98 – The Query Languages Workshop, W3C Architecture domain, April 28,

1999, http://webarchive.org/web/20010424030139/www.w3.org/TandS/QL/QL98/

David Maier, Database Desiderata for an XML, Department of computer Science

and Engineering, Oregon Graduate Institute, h

ttp://webarchive.org/web/20010329230057/www.w3.org/TandS/QL/QL98/pp/mai

er.html.

Jennifer Widom, 1999, Data Management for XML: Research Directions,

Stanford University

Charles F. Goldfarb et al, XML Hand Book, 1998, ISBN 0-13-081152-1 (USPTO

EIC Library No. QA 76.76.H92 G65 1998 & barcode 3 0402 00 00165 1423)

In response to applicant argument that combination of references fails to

establish a prima facie case of obviousness.

obviousness is not determined on the basis of the evidence as a whole and the

relative persuasiveness of the arguments. See In re Oetiker, 977F. 2d 1443, 1445,24

USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Hedges, 783F.2d 1038, 1039, 228 USPQ*

685, 686 (Fed. Cir.1992); In re Piaseckii, 745 F.2d 1468, 1472, 223 USPQ 785, 788

(Fed. Cir.1984); In re Rinehart, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA

1976). Using this standard, the Examiner respectfully submits that he has at least

satisfied the burden of presenting a prima facie case of obviousness, since he has

presented evidence of corresponding claim elements in the prior art and has expressly

articulated the combinations and the motivations for combinations that fairly suggest

Applicant's claimed invention (see paper no. 20050419). Note, for example, in the

instant case, the Examiner respectfully notes that each and every motivation to combine

the applied references are accompanied by select portions of the respective

reference(s) which specially support that particular motivation and /or an explanation

based on the logic and scientific reasoning of one ordinarily skilled in the art at the time

of the invention that support a holding of obviousness. As such, it is not seen that the

Examiner's combination of references is unsupported by the applied prior art of record.

Rather, it is respectfully submitted that explanation based on the logic and scientific

reasoning of one of ordinarily skilled in the art at the time of the invention that support a

holding of obviousness has been adequately provided by the motivations and reasons

indicated by the Examiner, Ex pane Levengood, 28 USPQ2d 1300(Bd. Pat. App

&.,4/293 Therefore the combination of reference is proper and the rejection is

maintained.

In response to applicant argument that King teaches away from a combination

with any other reference. Applicant's argument is not persuasive. King discloses a

system, it may not be enforceable, but disclosure of Kings shows an initiative, even

unenforceable (Example, crossing US border illegally is against the US laws but large

number of Mexicans (other nationalities) think how to cross the border.)

In response to applicant argument regarding rejections of claims 71-74 and

claims 81-82 under first paragraph of 35 U.S.C. 112 and claims 81-82 under second

paragraph of 35 U.S.C. 112. Applicant did not provided any references from the original

specification (page number and lines) to help the examiner review the limitations in view

of specification.

In response to applicant OBJECTION, Applicant's objection is not persuasive,

because Applicant has to read the entire documents in case examiner missed a correct

page or line numbers. Examiner tries his best to includes page numbers and lines to

help Applicant to locate at least one passage of the prior art and limitation where could be found with broadest interpretation.

For example limitations of claim 42, obtaining quantified risk data for a plurality of customers see Garman's Col. 5 lines 12-13 "The computer 110 interface with the database 120 on a mass storage device in a conventional manner, to store and *retrieve data (obtain data)*"; lines 27-45 "*to communicate* with remote other computer system, and *receive* (obtain) from at *least one such computer* (plurality of computers or customers) 165 a computer readable *dataset* (quantifiable) comprising a covariance matrix 170 for selected ones of the types of financial instruments 135 stored in the database 120" ..." *RiskMetrics.TM. dataset*, available daily on the World Wide Web" and URL. Lines 49-50 "Dealing with VaR on a real-time basis is a serious issue for most trading institutions. The typical financial institution may *have tens of thousands of financial contracts* (contracts =obvious representation of plurality of customers)".

analyzing the quantified customer risk data to identify one or more swap transactions between customers that will reduce their risk see Garman's Abstract line 1 "A system, method, and product *determines* (analyzes) the incremental impact of any number of *candidates trades*" and line 5 "The method includes *determining* (analyzing) the VaR measure for the trading portfolio", line 14 "The software product employs this method in a *financial analysis application in an optimized implementation*". See Col. 1 lines 66-67 "For example, a financial instrument known as a "*currency swap*" may consist of the promise to pay certain amounts", Col. 2 lines 7-9 "To *measure the market risk of the swap (analyze quantifiable risk)*, the market *risk* of a benchmark set of

cashflows is _determined_", and lines 12-14 "The **risk**s here are _determined_ in part by the variances and covariances of all these quantities at the selected tenors."

quantified risks are selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof . See King's

Col. 2 lines 20-30 "parties transfer risk to those accepting it, in effect matching risk to capital. Under this system parties transfer or _accept risks which are easily quantified_ in comparatively small units, such as through futures and options contracts." (quantified risks); Col. 2 lines 49-53 "_unique risk_, such as _catastrophe futures contracts_" (event risks); Col. 1 lines 51-54 "These insurances operate on the premise that premiums cover _claims_ (contingent liabilities)" And Col. 20 lines 60-67 "quantify the amount of _liability_ of the insurer-entity to various external parties and shareholders" (contingent liabilities); Col. 18 lines 43-63 "property catastrophe futures contracts. The latter may involve a substantial amount of _volatility_, requires a thorough knowledge of the risks of taking futures positions and is not as appropriately matched for natural _hedging_ purposes." (volatility risks). King further discloses obtaining information regarding transfer of risk [C9 L39-L50; C17 L64-L67].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3628

11/23/05

HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

	Application No.	Applicant(s)
Office Action Summary	10/329,172	EDER, JEFF SCOTT
	Examiner	Art Unit	
	Harish T. Dass	3628	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 March 2006</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>42-54,56-58,60-77,79,80 and 84-88</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>42-54,56-58,60-77,79,80 and 84-88</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>IDS 8/24/04</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

- Claims 1 - 41 were previously canceled.
- Claims 55, 59, 78 and 82 are canceled.
- Claims 81-83 are canceled.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 71-74 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically claim 71 lines 5-6 "where the optimal set of risk transfer transactions is the set that minimizes the value impact of retained risks within the constraints on risk transfer imposed by the capital available for risk transfer purchases".

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garman (US 5,819,237) in view of SPAN MARGINING SYSTEM, Chicago Board of Trade (CBOT), July 1, 1991 (hereinafter - PC-SPAN.)

<u>Re. Claim 71</u>, Garman discloses obtaining value impact and risk data by element of value and market value factor for each of a plurality of customers [C 1 L6 to C4 L54; C5 L12-13, L27-L45; C11 L57-L61; C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40 – see retrieve =obtain and receive],

analyzing said data to identify an optimal set of risk transfer transactions for each customer [Abstract; C1 L66 to C2 L24], and optionally implementing an optimal set of risk transfer transactions for one or more customers where transactions are selected from the group consisting of insurance policy transactions, swaps, derivative transactions and combinations thereof [abstract; Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21]. Garman does not explicitly disclose where the optimal set of risk transfer transactions is the set that minimizes the value impact of retained risks within the constraints on risk transfer imposed by the capital available for risk transfer purchases, and under a scenario selected from the group consisting of normal, extreme and combination thereof. However, it is known that the optimization analysis is expressed in relevant trade-offs and constraints as an objective mathematical function to be maximized or minimized and in business the objective is to minimize the risk of loss and maximize the income/profit. PC-SPAN discloses under a scenario selected from the

group consisting of normal, extreme and combination thereof [PC-SPAN - see entire document particularly pages 3/72 and 12-14/72 - see extreme move is set at several times the normal range and extreme futures price move in Lines 15 and 16] to calculate new risks for an option or futures contract reacts to various scenarios of changing market conditions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman to calculate the relative trade-off shifting the risk by changing constrains to reduce the losses and determine contract () risk under a scenario selected from the group consisting of normal, extreme, as disclosed by PC-SPAN, to examine the risk under different scenarios.

Claims 72-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman (US 5,819,237) in view PC-SPAN, as applies to claim 71, and further in view of King et al (hereinafter King – US 5,704,045).

Re. Claims 72-73, Neither Garman nor PC-SPAN explicitly discloses where the elements of value are selected from the group consisting of interest rates. However, However, King discloses these well-known steps as assets [Abstract; C3 L12-L17; C4 L58 to C5 L21], where these assets are usually reflected on corporations' financial statements. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Garman, and King and

include the list of assets from financial statement to provide detail breakdown of assets

and their values for better understanding of each asset and their values.

Re. Claim 74, Neither Garman nor PC-SPAN explicitly discloses where risks are

selected from groups consisting of event risks, contingent liabilities, volatility risks and

combinations thereof. However, King discloses this feature [C9 L6-L13; C9 L42-L45; C3

L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer investment risks. It

would have been obvious at the time the invention was made to a person having

ordinary skill in the art to modify the disclosure of Garman and PC-SPAN and include

risks are selected from groups consisting of event risks, contingent liabilities, volatility

risks and combinations thereof, as disclosed by King, for transferring difficult to place

risks.

Claims 42-43, 45-54, 56-58, 60-70, and 84 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Garman (US 5,819,237) in view of King et al (hereinafter King

– US 5,704,045) and Epstein (US 6795811).

Re. Claim 42, Garman discloses obtaining quantified risk data for a plurality of

customers [Garman - See entire document particularly, Abstract; Figure 2; C 1 L6 to C4

L54; C5 L27-L45; C11 L57-L61] and analyzing the quantified customer risk data to

identify one or more swap transactions between customers that will reduce their risk

[Garman Abstract; C1 L66 to C2 L24]. Garman does not explicitly disclose where the quantified risks are selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof and optionally completing one or more of the identified transactions in an automated fashion. However, King discloses where the quantified risks are selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof [King - C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer a single unique risk of large corporation (entity), and Epstein discloses optionally completing one or more of the identified transactions in an automated fashion [Epstein - Abstract; C1 L31-L42; C2 L37-L48] to immediately accept best investment available at the end of predetermine period. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Garman, King and Epstein to provide automatic quantified risk analyses, transfer and accepting of a unique risk of an entity to avoid losses.

Re. Claims 43 and 47, King further discloses where the customers are enterprises, multi company corporations or value chains, and where the quantified risk data identifies risk by category of value where the categories of value are selected from the group consisting of current operation, real options [C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57], to transfer a single unique risk of large corporation (entity)]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Garman, King and

Epstein to provide automatic quantified risk analyses, transfer and accepting of a unique risk of an entity to avoid losses.

Re. Claim 45, Garman discloses where a swap transaction exchanges risk associated with one or more elements of value, risk associated with one or more market value factors and combinations thereof ($\Sigma\Gamma$) [Garman - C9 L27-L39].

Re. Claim 46 Garman discloses assets. Garman does not explicitly disclose where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, equipment, intellectual property, partnerships, processes, production equipment, supply chains, vendors, vendor relationships and combinations thereof and market value factors are selected from the group consisting of commodity prices, inflation rate, gross domestic product, volatility, interest rates, insider trading, consumer confidence, organization performance against expectations, the unemployment rate and combinations thereof. However, King discloses these well-known steps as assets [Abstract; C3 L12-L17; C4 L58 to C5 L21], where these assets are usually reflected on corporations' financial statements. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Garman, King and Epstein and include the list of assets from financial statement to provide detail breakdown of assets and their values for better understanding of each asset and their values.

Re. Claim 48, Garman discloses where the method further comprises: obtaining risk

transfer operation regulatory requirements and performance data, generating scenarios

for customer risk transfer and risk transfer operation performance using the

performance data, regulatory requirements and customer risk data [Garman - C2 L35-

47; C10 L18-L26], identifying and displaying the optimal mode for customer risk transfer

and risk transfer operation under each scenario, and optionally implementing the

optimal mode for a chosen scenario in an automated fashion [Garman - abstract;

Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21].

Re. Claim 49, King further discloses where the risk transfer operation is an insurance

company, risk exchange or broker [King – C1 L9-L15; C2 L30 to C3 L63] to facilitate the

transfer of unique risks such as those with a high possibility of loss, where the loss

could come earlier rather than later or with more severity than projected. It would have

been obvious at the time the invention was made to a person having ordinary skill in the

art to combine the disclosures of Garman, King and Epstein to transfer a single unique

risk of large corporation.

Re. Claim 50, Garman discloses where the scenarios are selected from the group

consisting of normal, extreme and combinations thereof [Garman - C3 L60 to C4 L5;

C11 L15-L21; C11 L33-L40].

Re. Claim 51, Garman discloses where an optimal operating mode for each customer is the mode that maximizes their expected value for a given level of risk within the constraints imposed by the capital they have available for risk transfer purchases [Garman - Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 52, Garman discloses where implementing the optimal customer risk transfer includes completing transactions from the group consisting of insurance policy transactions, swap transactions, derivative transactions and combinations thereof [Garman - Abstract].

Re. Claim 53, Garman discloses where the optimal mode for the risk transfer operation is the mode that maximizes value while satisfying regulatory requirements [Garman - Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 54, Garman discloses where implementing the optimal mode for the risk transfer operation includes taking actions selected from the group consisting of contingent capital contract changes, contingent capital contract purchases, investment duration changes, investment mix changes, product additions, product specification changes, product price changes, changing reserves and combinations thereof [Garman - Abstract].

Re. Claim 56, Claim 56 has the same limitations as claims 42 and 47 therefore it is

rejected on the same rational as claim 42 and 47.

Re. Claim 57, claim 57 is rejected with same rational as claim 48.

Re. Claim 58, claim 58 is rejected with same rational as claim 52.

Re. Claim 60, Garman does not explicitly disclose where the organization related data

complies with a common xml schema. However, xml schema is well known and used by

web pages which can include data. It would have been obvious at the time the invention

was made to a person having ordinary skill in the art to modify the disclosure of Garman

and add use of xml schema to allow the user to input data on web page which is similar

to ordinary page and to make it easy and understandable.

Re. Claim 61, claim 61 is rejected with same rational as claim 46.

Re. Claims 62-63, Garman discloses where a value impact of each element of value

and market value factor is identified as part of risk quantification [C3 L60 to C4 L5; C11

L15-L21; C11 L33-L40], and where an optimal set of transactions for each customer is

the set that maximizes the value impact of the transferred risk within the constraints

imposed by the customer's available capital [Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 64, Garman discloses where each swap transaction in an optimal set of risk

transfer transactions is selected from the group consisting of event risk swaps,

contingent liability swaps, volatility swaps and combinations thereof [Garman -

Abstract].

Re. Claim 65, claim 65 is rejected with same rational as claim 51.

Re. Claim 66, claim 66 is rejected with same rational as claim 48.

Re. Claim 67, claim 66 is rejected with same rational as claim 49.

Re. Claim 68, claim 68 is rejected with same rational as claim 50.

Re. Claim 69, claim 69 is rejected with same rational as claim 53.

Re. Claim 70, claim 70 is rejected with same rational as claim 54.

Re. Claim 84, Garman discloses obtaining quantified risk data for a plurality of

customers [Garman - See entire document particularly, Abstract; Figure 2; C 1 L6 to C4

L54; C5 L12-L45; C11 L57-L61; see receive, retrieve data -- J. P. Morgan's

RiskMetrics.TM. dataset, available daily and URL], and analyzing the quantified

customer risk data to identify one or more transactions for swapping an element of

value risk between customers that will reduce their risk [Garman Abstract; C1 L66 to

C2 L24]. Garman does not explicitly disclose where the quantified risks are identified by

an element of value and selected from the group consisting of event risks, continent

liabilities, volatility risks and combinations thereof, optionally completing one or more of

the identified transactions in an automated fashion, and

where the elements of value are selected from the group consisting of alliances,

brands, channels, customers, customer relationships, employees, equipment,

intellectual property, partnerships, processes, production equipment, supply chains,

vendors, vendor relationships and combinations thereof.

However, King discloses where the quantified risks are identified by an element

of value and selected from the group consisting of event risks, continent liabilities,

volatility risks and combinations thereof [King - C9 L6-L13; C9 L42-L45; C3 L4-L7; C6

L38 to C7 L6; C19 L12-L28; C26 L33-L57], and where the elements of value are

selected from the group consisting of alliances, brands, channels, customers, customer

relationships, employees, equipment, intellectual property, partnerships, processes,

production equipment, supply chains, vendors, vendor relationships and combinations

thereof [King - Abstract; C3 L12-L17; C4 L58 to C5 L21] to transfer a single unique risk

of large corporation (entity), and Epstein discloses optionally completing one or more of

the identified transactions in an automated fashion [Epstein - Abstract; C1 L31-L42; C2

L37-L48] to immediately accept best investment available at the end of predetermine

period. It would have been obvious at the time the invention was made to a person

having ordinary skill in the art to combine the disclosure of Garman, King and Epstein to

provide automatic quantified risk analyses, transfer and accepting of a unique risk of an

entity to avoid losses.

Claims 44 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Garman in view of King and Epstein as applies to claims 42 & 84, further in view of PC-

SPAN.

Re. Claim 44, Garman, King, or Epstein does not explicitly disclose where each of the

risks are quantified under scenarios are selected from group consisting of normal,

extreme and combinations thereof. However PC-SPAN discloses this feature [see entire

document particularly pages 3/72 and 12-14/72 - see extreme futures price move in

Lines 15 and 16, extreme move is set at several times the normal range] to calculate

new risks for an option or futures contract reacts to various scenarios of changing

market conditions. It would have been obvious at the time the invention was made to a

person having ordinary skill in the art to modify the disclosures of Garman and King and

include each of the risks are quantified under scenarios are selected from group

consisting of normal, extreme and combinations thereof, as disclosed by PC-SPAN, to

calculate new risks for various scenarios of financial contracts such as extreme

fluctuation of price.

Re. Claim 85, Garman, King or Epstein does not explicitly disclose where each of the

risks are quantified under scenarios are selected from the group consisting of normal,

extreme and combinations thereof. However, PC-SPAN discloses where each of the

risks are quantified under scenarios are selected from the group consisting of normal,

extreme and combinations thereof [PC-SPAN - see entire document particularly pages

3/72 and 12-14/72 - see extreme move is set at several times the normal range and

extreme futures price move in Lines 15 and 16] to calculate new risks for an option or

futures contract reacts to various scenarios of changing market conditions. It would

have been obvious at the time the invention was made to a person having ordinary skill

in the art to modify the disclosure of Garman, King or Epstein and include risks are

quantified under scenarios are selected from the group consisting of normal, extreme

and combinations thereof as disclosed by PC-SPAN, to calculate new risks for various

scenarios of financial contracts as disclosed by PC-SPAN, to calculate new risks for

various scenarios of financial contracts such as extreme fluctuation of price.

Claims 75-77, and 79-80 and are rejected under 35 U.S.C. 103(a) as being

unpatentable over Garman in view of King.

Re. Claims 75-76, Garman discloses management systems for a plurality of customers,

means for accessing and storing data from said management systems [figure 2; C14

L20-L25; C5 L1-L10]; C11 L57-L61], means for obtaining and storing risk transfer

operation regulatory requirements and performance data, means for generating

scenarios for customer risk transfer requirements and risk transfer operation

performance using the performance data, regulatory requirements and customer data

[C2 L35-47; C10 L18-L26]; and means for identifying, displaying and optionally

implementing the optimal mode for risk transfer operation [abstract; Figure 2 (#116); C3

L32-L58; C10 L57 to C11 L21]. Garman does not explicitly disclose where the customer

risks are selected from the group consisting of event risks, contingent liabilities, volatility

risks and combinations thereof, and where management systems are selected from the

group consisting of advanced financial systems, basic financial systems, web site

management systems, alliance management systems, brand management systems,

customer relationship management systems, channel management systems, intellectual

property management systems, process management systems, vendor management

systems, operation management systems, sales management systems, human

resource systems, accounts receivable systems, accounts payable systems, capital

asset systems, inventory systems, invoicing systems, payroll systems, enterprise

resource planning systems (ERP), material requirement planning systems (MRP),

scheduling systems, quality control systems, purchasing systems, risk management

systems, the Internet, external databases, user input and combinations thereof.

However, King discloses these steps [King - C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38

to C7 L6; C19 L12-L28; C26 L33-L57] to transfer a single unique risk of large

corporation (entity). It would have been obvious at the time the invention was made to a

person having ordinary skill in the art to combine the disclosure of Garman, and King to

provide quantified risk analyses, and transfer of risk a unique risk such as: event risks,

contingent liabilities, or volatility risks of an entity to avoid, minimize or reduce losses.

Re. Claim 77, Garman discloses where the value impact of each element of value and

market value factor is identified as part of scenario development [C2 L35-47; C10 L18-

L26; C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40].

Re. Claims 79-80, Garman discloses where implementing the optimal mode further

comprises completing actions selected from. the group consisting of contingent capital

contract changes, contingent capital contract purchases, investment duration changes,

investment mix changes, product additions, product specification changes, product price

changes, reserve changes, implementing an optimal set of risk transfer transactions for

each customer and combinations thereof and where customer risk transfer transactions

are insurance policy transactions, swaps, derivative purchases and combinations

thereof [Garman - Abstract].

Claim 86-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman in

view of King et al (hereinafter King – US 5,704,045).

Re. Claim 86, Garman discloses networked computers each with a processor having

circuitry to execute instructions: a storage device available to each processor with

sequences of instructions stored therein, which when executed cause the processors to

[col. 4 line 65 to col. 5 line 43; col. 11 lines 23-28]; obtaining a plurality of risk transfer

operation regulatory requirements, a plurality of risk transfer operation performance data

and a set of quantified value impact and risk data for a plurality of customers [C 1 L6 to

C4 L54; C5 L12-13, L27-L45; C11 L57-L61; C3 L60 to C4 L5; C11 L15-L21; C11 L33-

L40 – see retrieve =obtain and receive], generating a plurality of scenarios for customer

risk transfer and risk transfer operation performance using the performance data,

regulatory requirements and customer data [C2 L35-47; C10 L18-L26]: identifying and

displaying an optimal mode for customer risk transfer and risk transfer operation under

each scenario, and optionally implementing the optimal mode for a chosen scenario in an

automated fashion [Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21]. Garman does

not explicitly disclose where the quantified risks are event risks and risks selected from the group consisting of contingent liabilities, volatility risks and combinations thereof. However, King discloses this feature [C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer investment risks. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman and include risks are selected from groups consisting of event risks, contingent liabilities, volatility risks and combinations thereof, as disclosed by King, for transferring difficult to place risks.

Re. Claim 87, King further discloses wherein a risk transfer operation further comprises an insurance company, risk exchange, bank or broker [C1 L9-L15; C2 L30 to C3 L63] to facilitate the transfer of unique risks such as those with a high possibility of loss, where the loss could come earlier rather than later or with more severity than projected. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Garman and King to transfer a single unique risk of large corporation.

Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garman in view of King and SPAN.

Re. Claim 88, neither Garman nor King explicitly discloses wherein a plurality of scenarios

are selected from the group consisting of normal, extreme and combinations thereof.

However, PC-SPAN discloses under a scenario selected from the group consisting of

normal, extreme and combination thereof [PC-SPAN - see entire document particularly

pages 3/72 and 12-14/72 - see extreme move is set at several times the normal range

and extreme futures price move in Lines 15 and 16] to calculate new risks for an option

or futures contract reacts to various scenarios of changing market conditions. It would

have been obvious at the time the invention was made to a person having ordinary skill in

the art to modify the disclosure of Garman and King to calculate the relative trade-off

shifting the risk by changing constrains to reduce the losses and determine contract () risk

under a scenario selected from the group consisting of normal, extreme, as disclosed by

PC-SPAN, to examine the risk under different scenarios.

Response to Arguments

Applicant's arguments filed 03/23/2005 have been fully considered but they are

not persuasive.

In response to applicant argument that combination of references fails to

establish a prima facie case of obviousness.

obviousness is not determined on the basis of the evidence as a whole and the

relative persuasiveness of the arguments. See In re Oetiker, 977F. 2d 1443, 1445,24

USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Hedges, 783F.2d 1038, 1039, 228 USPQ*

685, 686 (Fed. Cir.1992); In re Piaseckii, 745 F.2d 1468, 1472, 223 USPQ 785, 788

(Fed. Cir.1984); In re Rinehart, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA

1976). Using this standard, the Examiner respectfully submits that he has at least

satisfied the burden of presenting a prima facie case of obviousness, since he has

presented evidence of corresponding claim elements in the prior art and has expressly

articulated the combinations and the motivations for combinations that fairly suggest

Applicant's claimed invention (see paper no. 20050419). Note, for example, in the

instant case, the Examiner respectfully notes that each and every motivation to combine

the applied references are accompanied by select portions of the respective

reference(s) which specially support that particular motivation and /or an explanation

based on the logic and scientific reasoning of one ordinarily skilled in the art at the time

of the invention that support a holding of obviousness. As such, it is not seen that the

Examiner's combination of references is unsupported by the applied prior art of record.

Rather, it is respectfully submitted that explanation based on the logic and scientific

reasoning of one of ordinarily skilled in the art at the time of the invention that support a

holding of obviousness has been adequately provided by the motivations and reasons

indicated by the Examiner, Ex pane Levengood, 28 USPQ2d 1300(Bd. Pat. App

&.,4/293 Therefore the combination of reference is proper and the rejection is

maintained.

In response to applicant argument that King teaches away from a combination

with any other reference. Applicant's argument is not persuasive. King is secondary

reference and King discloses financial management systems and, more specifically, to

data processing methodology for effecting an improved capital and security structure in

an insurance or other financial enterprise, risk management techniques, risk transfer

and derivative securities. King does not exclude any limitation positively. In response to

applicant example (claims 56-68), it should be pointed out that laws are changeable

with time and consideration and well of the legislators. Kings discloses entity is modified

in structure of and laws to which an entity is subject by altering the legislation of the

jurisdiction under which the entity is governed and specifically does not name any

jurisdiction, which means any jurisdiction which may allow altering the altering the

legislation, disclosure of Kings shows an initiative, even unenforceable (Example, banks

could not sell securities but the law was changed and now they sell. Crossing US

borders illegally is against the US laws and violator should be send back but US

legislators is thinking to modify the rule and let them stay.) Examiner is not a judge and

does not judge whether a method or system is enforceable or not in a jurisdiction.

In response to applicant argument regarding rejections of claims 71-74 applicant

did not provided any references from the original specification (page number and lines)

to help the examiner review the limitations in view of specification.

In response to applicant OBJECTION, Applicant's objection is not persuasive,

because Applicant has to read the entire documents in case examiner missed a correct

page or line numbers. Examiner tries his best to includes page numbers and lines to

help Applicant to locate at least one passage of the prior art and limitation where could

be found with broadest interpretation.

For example limitations of claim 42, obtaining quantified risk data for a plurality of

customers see Garman's Col. 5 lines 12-13 "The computer 110 interface with the

database 120 on a mass storage device in a conventional manner, to store and *retrieve*

data (obtain data)"; lines 27-45 "*to communicate* with remote other computer system,

and *receive* (obtain) from at *least one such computer* (plurality of computers or

customers) 165 a computer *readable dataset* (quantifiable) comprising a covariance

matrix 170 for selected ones of the types of financial instruments 135 stored in the

database 120" ..." *RiskMetrics.TM. dataset*, available daily on the World Wide Web" and

URL. Lines 49-50 "Dealing with VaR on a real-time basis is a serious issue for most

trading institutions. The typical financial institution may *have tens of thousands of*

financial contracts (contracts =obvious representation of plurality of customers)".

analyzing the quantified customer risk data to identify one or more swap

transactions between customers that will reduce their risk see Garman's Abstract line 1

"A system, method, and product *determines* (analyzes) the incremental impact of any

number of *candidates trades*" and line 5 "The method includes *determining* (analyzing)

the VaR measure for the trading portfolio", line 14 "The software product employs this

method in a *financial analysis application in an optimized implementation*". See Col. 1

lines 66-67 "For example, a financial instrument known as a "*currency swap*" may

consist of the promise to pay certain amounts", Col. 2 lines 7-9 "To *measure the market*

risk of the swap (analyze quantifiable risk), the market *risk* of a benchmark set of

cashflows is *determined*", and lines 12-14 "The *risk*s here are *determined* in part by the

variances and covariances of all these quantities at the selected tenors."

quantified risks are selected from the group consisting of event risks, contingent

liabilities, volatility risks and combinations thereof . See King's

Col. 2 lines 20-30 "parties transfer risk to those accepting it, in effect matching risk to

capital. Under this system parties transfer or _accept risks which are easily quantified_ in

comparatively small units, such as through futures and options contracts." (quantified

risks); Col. 2 lines 49-53 "_unique risk_, such as _catastrophe futures contracts_" (event

risks); Col. 1 lines 51-54 "These insurances operate on the premise that premiums

cover _claims_ (contingent liabilities)" And Col. 20 lines 60-67 "quantify the amount of

liability of the insurer-entity to various external parties and shareholders" (contingent

liabilities); Col. 18 lines 43-63 "property catastrophe futures contracts. The latter may

involve a substantial amount of _volatility_, requires a thorough knowledge of the risks of

taking futures positions and is not as appropriately matched for natural _hedging_

purposes." (volatility risks). King further discloses obtaining information regarding

transfer of risk [C9 L39-L50; C17 L64-L67].

In response to claim 71-74, rejection under first paragraph of 35 U.S.C. 112, applicant

has not provided any reference to point out which page of the specification has

discloses the limitation "where the optimal set of risk transfer transactions is the set that

minimizes the value impact of retained risks within the constraints on risk transfer

imposed by the capital available for risk transfer purchases". Examiner has review the

spec and does not find any reference for this limitation.

Conclusion

3.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass
Examiner
Art Unit 3628

JAGDISH N. PATEL
PRIMARY EXAMINER

7/10/06

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/441,385	05/20/2003	Jeff Scott Eder	VM-53	6229

			EXAMINER
29051	7590	12/16/2003	GRAHAM, CLEMENT B

JEFF EDER
19108 30TH DRIVE SE
MILL CREEK, WA 98012

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>20 May 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-75</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-75</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> .	6)☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-75 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is se forth in a two prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. The claims merely perform mathematical calculations without the aid of any technological arts involved. In the present case, claims 1-75 do not recite any structure or functionality to suggest that a computer performs the recited claims. Thus, claims 1-75 are rejected as being directed to non-statutory subject matter

Conclusion

2.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement Graham whose telephone number is (703) 305-1874. The examiner can normally be reached on Monday-Friday 7:00AM-5:00PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 for Before Final actions and (703) 872-9327 for After Final actions.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

CG
December 15, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/441,385	05/20/2003	Jeff Scott Eder	VM-53	6229

53787	7590	11/02/2005

ASSET TRUST, INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

EXAMINER
GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/441,385	EDER, JEFF SCOTT
	Examiner	Art Unit	
	Clement B. Graham	3628	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 March 2004</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>76-150</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>76-150</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-75 has been cancelled and claims 76-150 has been added.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

      A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 76-150, are rejected under 35 U.S.C. 102(e) as being anticipated by Ranger U.S. Patent 6, 301, 584.

        As per claim 76,   Ranger discloses a system for valuing tangible elements of value, intangible elements of value, real options and combinations thereof for a business, comprising:

(a) processing means for processing data;

(b) storage means for storing data;

(c) first means for obtaining data related to the value of the business enterprise, the business enterprise having one or more tangible or intangible elements of value contributing to the value of the business enterprise, one or more real options contributing to the value of the business and the value of the business enterprise including a revenue component, an expense component and a capital component(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65)

(d) second means for calculating, for each one of the tangible or intangible elements of value, a vector characterizing performance of the tangible or intangible element of value of the business enterprise(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65)

(e) third means for calculating the real option category of value, the revenue, expense and capital components of the value of the business enterprise;

(f)   fourth means for determining, for each one of the tangible or intangible elements of value, a percentage of the real option category contributed by the tangible or intangible

element of value, a percentage of the revenue component contributed by the tangible or intangible element of value, a percentage of expense component contributed by the tangible or intangible element of value and a percentage of the capital component contributed by the tangible or intangible element of value (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65) (g) fifth means for calculating a value for each of the tangible or intangible elements of value of the business enterprise based on the revenue, expense and capital components of value and the real option category of value of the business enterprise and the percentages of the revenue, expense, capital and real option category contributed by the tangible or intangible elements of value; and (h) sixth means for displaying the values. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 77,   Ranger discloses wherein the said sixth means for displaying the values further comprises a paper document or an electronic display. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 78,   Ranger discloses a data processing system as claimed in claim 76, wherein said second means further comprises;

(a) means for combining composite variables, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, transaction patterns, geospatial measures, relative rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time period, cumulative total values, period to period rates of change to calculate the vector. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 79,   Ranger discloses wherein said third means further comprises:

(a) means for determining the discount rate to be used in real option valuation as a function of the element of value profile of the business and the real option. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 80, Ranger discloses wherein said third means further comprises:

(b) means for determining the real option value using algorithms selected from the group consisting of binomial, black scholes, dynamic programming and multinomial. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 81, Ranger discloses wherein said fourth means further comprises:

(a) means for using output from a predictive model to determine the percentage of the revenue component contributed by the tangible or intangible element of value, the percentage of the expense component contributed by the tangible or intangible element of value, and the percentage of the capital component contributed by the tangible or intangible element of value. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 82, Ranger discloses wherein said fourth means further comprises:

(b) means for using output from a predictive model trained using a genetic algorithm to determine the percentage of the revenue component contributed by the tangible or intangible element of value, the percentage of the expense component contributed by the tangible or intangible element of value, and the percentage of the capital component contributed by the tangible or intangible element of value. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 83, Ranger discloses further comprising:

(i) means for using the vectors to evaluate the impact of the tangible or intangible elements of value on the value of the business enterprise. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 84, Ranger discloses further comprising:

(i) seventh means for user modification of, for each one of the tangible and intangible elements of value, selected one or ones of the value drivers that drive the value of the business enterprise; and

(i) eighth means for calculating a value for each of the tangible or intangible elements of value of the business enterprise based on the value of the business enterprise and the percentage of the value contributed by the tangible or intangible elements of value after user modification.

(k) ninth means for displaying the new value. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 85,   Ranger discloses wherein the said ninth means for displaying the new value further comprises a paper document or an electronic display. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 86, Ranger discloses a computer readable medium having sequences of instructions stored therein, which when executed cause the processor in a computer to perform a performance information method, comprising:

aggregating enterprise related data, identifying tangible indicators of element impact on one or more aspects of enterprise financial performance using at least a portion of said data, developing solid measures of element impact on one or more aspects of enterprise financial performance using one or more of said indicators, and producing enterprise performance management information using at least one of the measures. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 87,   Ranger discloses wherein the method further comprises making the enterprise performance management information available for review and use via a paper document or electronic display. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 88,   Ranger discloses where an enterprise is a single product, a group of products, a division or a company. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 89, Ranger discloses where data is aggregated using xml and a common schema. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 90, Ranger discloses wherein enterprise related data is aggregated from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 91, Ranger discloses wherein the elements are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 92, Ranger discloses where the tangible indicators of element performance are selected from the group consisting of composite variables, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, transaction patterns, geaspatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time period, cumulative total values, period to period rates of change and combinations thereof. (Note abstract and see column

2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 93, Ranger discloses where a series of models is used to select tangible indicators of element impact. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 94, Ranger discloses wherein the series of models are developed in an automated fashion. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 95, Ranger discloses where the series of models further comprises predictive models to select candidates and causal models to finalize the selection. Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 95, Ranger discloses 96. (new) The computer readable medium of claim 95 where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 97, Ranger where causal models are selected from the group consisting of Bayes, minimum message length and path analysis. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 98, Ranger discloses where the solid measures are selected from the group consisting of value drivers, mathematical equations that combine two or more value drivers, logical combinations of two or more value drivers, vectors and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 99, Ranger discloses where value drivers are tangible indicators that are causal to change in one or more aspects of financial performance. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 100, Ranger discloses where the choice of measures is at least in part a function of the level of interaction between elements. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 101, Ranger discloses wherein the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, current operation value, real option value, market sentiment value and business value. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 102, Ranger discloses wherein the performance management information is selected from the group consisting of element valuations, lists of changes that will optimize one mare aspects of enterprise financial performance, management reports and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 103, Ranger discloses where the element valuations quantify the impact of an element on one or more aspects of enterprise financial performance net of any impact on other elements. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 104, Ranger discloses where calculating element valuations further comprises:

initializing and training predictive models that use concrete measures of element impact as inputs for one or more select aspects of enterprise financial performance; using the weights from the best fit predictive models to identify net relative contributions by element of value to each of the one or more select aspects of enterprise financial performance;

combining the net relative contributions with the value of the select aspects of enterprise financial performance to determine a value of the element. (Note abstract and see column

2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 105, Ranger discloses where the predictive models are trained using a genetic algorithm. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 106, Ranger discloses where select aspects of enterprise financial performance are chosen from the group consisting of revenue, expense, capital change, market value and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 107, Ranger discloses where creating lists of changes that will optimize one or more aspects of enterprise financial performance further comprises:
initializing and training optimization models that use the concrete measures of element impact as inputs for one or more select aspects of enterprise financial performance; and reporting the changes identified by the models. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 108, Ranger discloses where optimization models are genetic algorithms, multi criteria optimization models or Monte Carlo simulation models. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 109, Ranger discloses where Monte Carlo simulation models are used to identify changes that will optimize one aspect of enterprise financial performance. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 110, Ranger discloses measures of element impact on enterprise financial performance that are derived from tangible indicators of element performance and support the development of useful enterprise performance management information. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 111, Ranger discloses the measures of claim 110 that are confirmable. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 112, Ranger discloses that are selected from the group consisting of value drivers, composite variables, vectors and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 113, Ranger discloses where value drivers are causal tangible indicators of element performance. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 114, Ranger discloses where composite variables are equations that combine one or more value drivers, logical combinations of value drivers and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 115, Ranger discloses where the elements are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, production equipment, vendors and vendor relationships. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 116, Ranger discloses that quantify net element impact on one or more aspects of enterprise financial performance. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 116, Ranger discloses where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, current operation value, real option value, market sentiment value and business value. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 118, Ranger discloses where the enterprise performance management information is selected from the group consisting of element contributions, element

valuations, lists of changes that will optimize one more aspects of enterprise financial performance, management reports and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 119, Ranger discloses where the tangible indicators of element performance are selected from the group consisting of composite variables, transaction ratios, transaction trends, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, patterns, geospatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time periods, cumulative total values, period to period rates of change and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 120, Ranger discloses network models that quantify a net contribution of each of one or more elements of value of an enterprise to one or more aspects of financial performance. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 121, Ranger discloses where the aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, current operation value, market sentiment value, market value and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 122, Ranger discloses being further comprised of:
input nodes, hidden nodes and output nodes with each input node representing an element value driver or an element of value, each hidden node representing the inter-relationship between each element other elements and an aspect of financial performance and each output node representing an aspect of financial performance; and relationships between said nodes, each said relationship being directional and being characterized by a degree of influence from one node to another; said degree of influence being dependent upon the impact of the element or element value driver represented by said node and its

interrelationship with other elements. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 123, Ranger discloses where the weights from the network models are used to quantify the net contribution of each element to each aspect of financial performance. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 124, Ranger discloses where the net contributions of each element by aspect are combined with aspect valuations to determine the value of each element. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 125, Ranger discloses supports enterprise optimization analyses. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 125, Ranger discloses where the elements are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 127, Ranger discloses where an enterprise is a single product, a group of products, a division or a company. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 128, Ranger discloses where development is completed in an automated fashion. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 129, Ranger discloses where the inputs for each element of value are composite variables or vectors. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claims 130-150, Ranger discloses a financial performance method, comprising:
integrating data from a plurality of enterprise related data sources, and

calculating a net relative contribution for each of one or more elements of value to each of one or more aspects of enterprise financial performance using at least a portion of said data. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Conclusion

Response to arguments

4   Response to arguments filed 3/5/2004 has been considered but they are moot in view of new grounds of rejections.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

September 28, 2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/441,385	EDER, JEFF SCOTT
	Examiner	Art Unit	
	Clement B. Graham	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 May 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>130-199</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>130-199</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-129 has been cancelled and claims 130-150 remained pending and claims 151-199 has been added.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 130-199, are rejected under 35 U.S.C. 102(e) as being anticipated by Ranger U.S. Patent 6, 301, 584.

As per claim 130, Ranger discloses a financial performance method, comprising: integrating data from a plurality of enterprise related data sources, and calculating a net relative contribution for each of one or more elements of value to each of one or more aspects of enterprise financial performance using at least a portion of said data where the elements of value are selected from the Group consisting of alliances, brands. Channels, customers customer relationships employees customer employee relationships intellectual prosy partnerships processes vendors vendor relationships and combinations thereof.(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 131, Ranger discloses wherein a net relative contribution is a relative direct contribution of an element of value to an aspect of enterprise financial performance net of any contribution to one or more other elements of value. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 132, Ranger discloses wherein the method further comprises: calculating the value of each element of value using a net relative contributions, and contribution for each of one or more aspects of financial Performance, and displaying

the value of the elements of value using a paper document or electronic display. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 133, Ranger discloses where the method further comprises: identifying a list of changes to the elements of value that will optimize one or more aspects of enterprise financial performance, and displaying the list of changes using a paper document or electronic display. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 134, Ranger discloses where the integrating data is from a plurality of enterprise related data source further comprises integrating data in accordance with a common xml schema. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 135, Ranger discloses where the common xml schema includes a data dictionary. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 136, Ranger discloses where the data dictionary defines standard data attributes from the group consisting of account numbers, components of value, currencies, elements of value, enterprise designations, time periods, units of measure and combinations thereof. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 137, Ranger discloses where an xml schema is defined using an xml metadata standard. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 138, Ranger discloses where a plurality of enterprise related data sources are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems,

customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 139, Ranger discloses 139. (currently amended) The method of claim 130 wherein each of one or more where the elements of value are optionally clustered into sub-elements of value for more detailed analysis. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 140, Ranger discloses wherein an aspect of enterprise financial performance axes selected from the group consisting of revenue, expense, capital change, current operation value, real option value, market sentiment value, market value and combinations thereof. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 141, Ranger discloses wherein calculating a net relative contribution of each of one or more elements of value to each of one or more aspects of enterprise financial performance further comprises:
creating one or more tangible measures of element impact
using a series of models to select causal tangible indicators of element impact,
identifying a level of interaction between elements of value,

6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 145, Ranger discloses wherein a causal aledel6 e is selected from the group consisting of Bayes, minimum message length and path analysis. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 146, Ranger discloses where the shod further comprises using a genetic algorithm to train predictive models. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 146, Ranger discloses wherein one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, market value, current operation value, real option value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 148, Ranger discloses wherein a series of models are developed in an automated fashion by learning from the data. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 149, Ranger discloses wherein a list of changes to the elements of value that will optimize one or more aspects of enterprise financial performance further comprise a list of changes into one or more element of value drivers.(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 150, Ranger discloses wherein an enterprise is-further comprises a single product. a group of products, a division or a company.(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 151, Ranger discloses an enterprise system, comprising a computer with a processor having circuitry to execute instructions; a storage device available to said processor with sequences of instructions stored therein, which when executed cause the processor to: obtain a plurality of data related to a value of a business enterprise in a format suitable for processing, the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) and identify a percentage of the enterprise market value contributed by each of the elements of value by using at least some of the data to analyze enterprise financial performance with a series of models where the percentage of enterprise market value contributed by each element of value further comprise an element of value contribution to a current operation category of value and optionally a contribution to a category of value selected from the group consisting of real option, market sentiment and combinations thereof, and where a plurality of elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 152, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises determining a discount rate for a real option valuation as a function of an element of value profile of the enterprise and the real option. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 153, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises using output from a predictive model that has been selected by a tournament to determine a percentage of a component of value level contributed by an element of value over a sequential period of time where the components of value are selected from

the group consisting of revenue, expense, capital change and combinations thereof; and where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 154, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value in an automated fashion by learning from the data. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 155, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value and using said impact summaries as an input to a plurality of predictive models for each of one or more aspects of enterprise financial performance see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) where the aspects of financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 156, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of element of value by a category of value further comprises creating a model of element of vafue contribution to

enterprise market value by using genetic algorithms to learn from the data by using processing steps selected from the group consisting of fitness measure resealing, random mutation, recalibrating target fitness levels, selective crossover, selective carry-forward and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 157, Ranger discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing further comprises using metadata mapping to integrate data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadate coalition standard. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 158, Ranger discloses wherein additional instructions cause the processors to:
calculate a market value contribution for a plurality of elements of value using an identified percentage contribution for each element of value; and
display the market value contributions for each of a plurality of element of value using a paper document or an electronic display see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 159, Ranger discloses 159. (new) The system of claim 158 wherein a display of market value contributions for each element of value further comprises displaying a balance sheet that includes a value for each element of value together with a value for each of a plurality of tangible assets. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 160, Ranger discloses wherein a display of market value contributions for each element of value further comprises displaying a balance sheet that includes a value for each element of value together with a value for each of one or more tangible assets where the tangible assets are selected from the group consisting

of accounts receivable, cash, inventory, marketable securities, prepaid expenses, production equipment and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 161, Ranger discloses wherein additional instructions cause the processors to:

track a change in a market value contribution for each element of value over time; and display a report showing the changes in market value contribution by element of value over time using a paper document or an electronic display in a value creation statement or income statement format. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 162, Ranger discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform the method steps in a management method, comprising:

aggregating a plurality of transaction data from a plurality of management systems for a commercial enterprise, identifying a plurality of indicators of tangible element of value impact for each of one or more aspects of enterprise financial performance using at least a portion of said data, developing an impact summary for each of one or more elements of value using one or more of said indicators, and producing a plurality of predictive enterprise performance models using said summaries by learning from the data where the predictive enterprise performance models enable an integrated analysis and management of an enterprise market value, an enterprise current operation and categories of enterprise value selected from the group consisting of real option, market sentiment and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 163, Ranger discloses wherein the method further comprises using one or more enterprise performance models to identify one or more transactions that will optimize one or more aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of

revenue, expense, capital change, cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 164 Ranger discloses where an enterprise further comprises a single product, a group of products, a division or a company.

As per claim 165, Ranger discloses wherein a plurality of transaction data are aggregated in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 166, Ranger discloses wherein a plurality of management systems for a commercial enterprise are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor, management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 167, Ranger discloses wherein one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. see

column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 168, Ranger discloses wherein a plurality of tangible indicators of element of value performance are selected from the group consisting of composite variables, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, transaction patterns, geospatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time period, cumulative total values, period to period rates of change and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 169, Ranger discloses wherein a plurality of predictive enterprise performance models further comprise a plurality of predictive models selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 170, Ranger discloses wherein the method further comprises using one or more enterprise performance models to complete a useful task selected from the group consisting of: forecasting an expected change in an enterprise value after a user specified change, calculating a value contribution for each element of value, creating a list of element value driver changes that will optimize one or more aspects of enterprise financial performance, creating a plurality of management reports and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 171, Ranger discloses a n enterprise method, comprising:

obtaining a plurality of data related to a value of a business enterprise in a format suitable for analysis, the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise; and

identifying a percentage of an enterprise market value contributed by each element of value by using at least some of the data to analyze enterprise financial performance where the percentage of enterprise market value contributed by each element of value further comprise an element of value contribution to a current operation category of value and optionally a contribution to a category of value selected from the group consisting of real option, market sentiment and combinations thereof see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40)   and where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 172, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises identifying an element of value contribution to enterprise market value by a category of value where a category of value is selected from the group consisting of current operation, real option, market sentiment and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 173   Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises:

determining a discount rate for use in a real option valuation as a function of an element of value profile of an enterprise and the real option;

calculating a value for a real option using the calculated discount rate and a cost of capital for the enterprise; and identifying a value contribution to a real option value by element of

value by comparing the two valuations. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 174, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises using output from a predictive model to determine a percentage of a component of value level contributed by each element of value over a sequential period of time. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 175, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises creating a summary of element of value impact on enterprise financial performance for each element of value where the composition of the summary is predefined or learned from the data. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 176, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises creating a summary of element of value impact on enterprise financial performance for each element of value and using said impact summaries as an input to a network model for an aspect of enterprise financial performance selected from the group consisting of revenue, expense, capital change, cash flow, future value. value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 177, Ranger discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for analysis further comprises integrating and converting data from a plurality of enterprise systems in accordance with a

schema defined by a metadate standard where the metadata standard is selected from the group consisting of xml, corba and metedata coalition standard. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 178, Ranger discloses wherein the method further comprises: calculating a market value contribution for each element of value from a plurality of elements of value using an identified percentage contribution for each element of value; and creating a balance sheet that includes a value for each element of value. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 179, Ranger discloses wherein the method further comprises tracking a change in market value contribution for each element of value from a plurality of elements of value over time and creating a report showing the changes in market value contribution by element of value over time in a value creation statement or income statement format. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 180, Ranger discloses an intelligent enterprise method experiencing a plurality of events in association with its operation, the method comprising: integrating, converting and storing a plurality of transaction data that memorialize the plurality of events in a central repository see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) analyzing at least a portion of the information related to the plurality of events as required to identify one or more value drivers for each of one or more elements of value of said enterprise, creating a performance model for each of one or more categories of enterprise value that uses said value drivers by element of value alone or in combination as an input, and using the performance models to complete a useful task selected from the group consisting of see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) forecasting an expected change in an enterprise value after a user specified change, calculating a value contribution for each element of value, creating a list of

element value driver changes that will optimize one or more aspects of enterprise

financial performance, creating a plurality of management reports and combinations

thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65

and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 181, Ranger discloses wherein one or more elements of value are

selected from the group consisting of brands, customers, customer relationships,

employees, employee relationships, intellectual capital, intellectual property, partners,

processes, vendors, vendor relationships and combinations thereof. see column 2 lines

15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-

67 and column 27-28 lines 1-40).

As per claim 182, Ranger discloses wherein a central repository further comprises

an application database that makes the data accessible and available for extraction and

analysis so as to provide a coherent view of the event information for an enterprise. see

column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column

24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 183, Ranger discloses wherein integrating, converting and storing a

plurality of transaction data further comprises using metadate mapping to integrate and

convert said transaction data in accordance with a common schema defined with a

metadata standard that defines a common data dictionary that includes common

attributes selected from the group consisting of elements of value, components of value,

currencies, units of measure, time periods, dates and combinations thereof. see column

2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26

lines 1-67 and column 27-28 lines 1-40).

As per claim 184, Ranger discloses wherein analyzing the information related to

the plurality of events further comprises initializing and evolving a series of predictive

models for each of one or more aspects of enterprise financial performance

where the one or more aspects of enterprise financial performance are selected from the

group consisting of revenue, expense, capital change, cash flow, future value, market

value, raw material expense, manufacturing expense, service delivery expense, sales

expense, support expense, other expense, change in cash, change in non-cash financial

assets, current operation value, real option value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 185, Ranger discloses wherein integrating, converting and storing a plurality of transaction data further comprises using metadata mapping to integrate, convert and store data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 186, Ranger discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform the method steps in a data processing method, comprising:
integrating, converting and storing enterprise related transaction data in accordance with a common xml schema to support organization processing see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) where a set of integration and conversion rules are established using a metadate and conversion rules window and saved in a metadata mapping table, where at least some data are pre-specified for integration and conversion, and where the integrated data is stored in a central repository. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 187, Ranger discloses wherein a common schema further comprises a network schema that is defined using an xml metadata or metadata coalition standard.(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 188, Ranger discloses further comprises a bot.(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 189, Ranger discloses a computer readable medium, tangibly embodying a program of instructions executable by a machine to perform the method steps in a management method, comprising:

obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing, the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) and identifying a percentage of the enterprise market value contributed by each of the elements of value by using at least some of the data to analyze enterprise financial performance with a series of models where the percentage of enterprise market value contributed by each element of value further comprise an element of value contribution to a current operation category of value and optionally a contribution to a category of value selected from the group consisting of real option, market sentiment and combinations thereof, and where a plurality of elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 190, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises determining a discount rate for a real option valuation as a function of an element of value profile of the enterprise and the real option. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 191, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises using output from a predictive model that has been selected by a tournament to determine a percentage of a component of value level contributed by an element of value over a sequential period of time where the components of value are selected from

the group consisting of revenue, expense, capital change and combinations thereof, and where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 192, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value in an automated fashion by using a series of predictive models to learn from the data.(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 193, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value and using said impact summaries to create a causal predictive model for each of one or more aspects of enterprise financial performance see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) where the aspects of financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 194. Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of element of value by a

category of value further comprises creating a model of element of value contribution to enterprise market value by using genetic algorithms to learn from the data by using processing steps selected from the group consisting of fitness measure rescaling, random mutation, recalibrating target fitness levels, selective crossover, selective carry-forward and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 195, Ranger discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing further comprises using metadata mapping to integrate data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 196, Ranger discloses wherein the method further comprises: calculating a market value contribution for a plurality of elements of value using an identified percentage contribution for each element of value; and
displaying the market value contributions for each of a plurality of element of value using a paper document or an electronic display in a balance sheet format that includes a value for each element of value together with a value for each of a plurality of tangible assets. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 197, Ranger discloses wherein a plurality of tangible assets are selected from the group consisting of accounts receivable, cash, inventory, marketable securities, prepaid expenses, production equipment and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 151, Ranger discloses 198. (new) The computer readable medium of claim 196 wherein the method further comprises:
tracking a change in a market value contribution for each element of value over time; and
display a report showing the changes in market value contribution by element of value

over time using a paper document or an electronic display. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 199, Ranger discloses wherein a report showing a change in market value contribution by element of value over time further comprises a value creation statement or an income statement. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof; and

where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Conclusion
Response to Arguments

4   Response to arguments filed 5/2/2006 has been considered but they are moot in view of new grounds of rejections.

5. In response to Applicant"s arguments that prior art of reference Ranger fail to teach or suggest" a financial performance method, comprising: integrating data from a plurality of enterprise related data sources, and calculating a net relative contribution for each of one or more elements of value to each of one or more aspects of enterprise financial performance using at least a portion of said data where the elements of value are selected from the Group consisting of alliances, brands. Channels, customers customer relationships employees customer employee relationships intellectual prosy partnerships processes vendors vendor relationships and combinations thereof and wherein a net relative contribution is a relative direct contribution of an element of value to an aspect of enterprise financial performance net of any contribution to one or more

other elements of value" Hoever the examiner disagrees because these limitations were addressed as stated,

Ranger teaches calculating the value of each element of value using a net relative contributions, and-contribution for each of one or more aspects of financial Performance, and displaying the value of the elements of value using a paper document or electronic display and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40 and . integrating data from a plurality of enterprise related data sources, and calculating a net relative contribution for each of one or more elements of value to each of one or more aspects of enterprise financial performance using at least a portion of said data where the elements of value are selected from the Group consisting of alliances, brands. Channels, customers customer relationships employees customer employee relationships intellectual prosy partnerships processes vendors vendor relationships and combinations thereof.(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40.

Therefore it is inherently clear that Applicant's claimed limitations were addressed with the teachings of Ranger

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

May 24, 2006

FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/441,385	05/20/2003	Jeff Scott Eder	VM-53	6229

53787   7590   11/03/2006

ASSET TRUST, INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

EXAMINER
GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
3692	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/441,385	EDER, JEFF SCOTT
	Examiner	Art Unit
	Clement B. Graham	3692

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 August 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>186-193 and 195-254</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>186-193 and 195-254</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 186-193, and 195-199 remained pending an claims 200-253 has been added.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 186-188, 201-220, 201-220, are rejected under 35 U.S.C. 102(e) as being anticipated by Ranger U.S. Patent 6, 301, 584.

As per claim 186, Ranger discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform the method steps in a data processing method, comprising:

integrating, converting and storing enterprise related transaction data in accordance with a common xml schema(see column 14 lines 33-47 and see column 5 lines 42-67 and column 6 lines 1-34) to support organization processing see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) where a set of integration and conversion rules are established using a metadata and conversion rules window and saved in a metadata mapping table, (see column 5 lines 42-67 and column 6 lines 1-34)

where at least some data are pre-specified for integration and conversion, and where the integrated data is stored in a central repository. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 187, Ranger discloses wherein a common schema further comprises a network schema that is defined using an xml(see column 14 lines 33-47) metadata or metadata coalition standard(see column 5 lines 42-67 and column 6 lines 1-34)

As per claim 188, Ranger discloses further comprises a bot.(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 201, Ranger discloses a financial performance method, comprising: integrating data from a plurality of enterprise related data sources, and

calculating a net relative contribution for each of one or more elements of value to each of one or more aspects of enterprise financial performance using a series of models to analyze at least a portion of said data where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof, and where the series of models are predictive models, causal models and optionally data envelopement analysis models. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 202, Ranger discloses wherein a net relative contribution is a relative direct contribution of an element of value to an aspect of enterprise financial performance net of any contribution to one or more other elements of value. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 203, Ranger discloses wherein the method further comprises: calculating a value of each element of value using a net relative contribution for each of one or more aspects of financial performance, and

displaying the value of the elements of value using a paper document or electronic display. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 204, Ranger discloses wherein the method further comprises: identifying a list of changes to the elements of value that will optimize one or more aspects of enterprise financial performance, and

displaying the list of changes using a paper document or electronic display. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 205, Ranger discloses wherein integrating data from a plurality of enterprise related data source further comprises integrating data in accordance with a common xml schema. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 206, Ranger discloses wherein a common xml schema includes a data dictionary. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 207, Ranger discloses wherein a data dictionary defines standard data attributes from the group consisting of account numbers, components of value, currencies, elements of value, enterprise designations, time periods, units of measure and combinations thereof. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 208, Ranger discloses where an xml schema is defined using an xml metadata standard. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 209, Ranger discloses wherein a plurality of enterprise related data sources are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating.(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases,

user input and combinations thereof. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 210, Ranger discloses wherein each of one or more elements of value are optionally clustered into sub-elements of value for more detailed analysis. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 211, Ranger discloses wherein an aspect of enterprise financial performance is selected from the group consisting of revenue, expense, capital change, current operation value, real option value, market sentiment value, market value and combinations thereof. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 212, Ranger discloses wherein calculating a net relative contribution of each of one or more elements of value to each of one or more subsets of enterprise market value aspects of enterprise financial performance further comprises:
creating one or more tangible measures of element of value impact,
using a series of models to select tangible indicators of element of value impact, identifying a level of interaction between elements of value.(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40)
identifying a concrete summary measure for each element of value as a function of the level of interaction between elements of value, initializing and training predictive models that use the concrete summary measures of element impact as inputs for modeling one or more aspects of enterprise financial performance a current operation subset of value by a component of value and a market sentiment subset of value.(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40)
and using the weights from a best fit predictive model to identify a net relative contribution by element of value to each of the one or more aspects of enterprise financial performance a current operation subset of value by a component of value and a market sentiment

subset of value. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 213, Ranger discloses wherein a tangible indicator of element of value impact is selected from the group consisting of composite variables, transaction ratios, transaction trends, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, patterns, geospatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time periods, cumulative total values, period to period rates of change and combinations thereof. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 214, Ranger discloses wherein a series of models used to select tangible indicators further comprises a predictive model to select candidates and a causal models to finalize the selection. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 215, Ranger discloses wherein a predictive model is selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 216, Ranger discloses wherein a causal model is selected from the group consisting of Bayes, minimum message length and path analysis. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 217, Ranger discloses wherein one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, market value, current operation value, real option value, market sentiment value and combinations thereof. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 218, Ranger discloses wherein a series of models are developed in an automated fashion by learning from the data. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 219, Ranger discloses wherein a list of changes to the elements of value that will optimize the value one or more aspects of enterprise financial performance further comprise a list of changes to one or more value drivers for each element of value. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 220, Ranger discloses wherein an enterprise further comprises a single product, a group of products, a division or a company. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 231, Ranger discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform the method steps in a management method, comprising:

aggregating a plurality of transaction data from a plurality of management systems for a commercial enterprise(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) identifying a plurality of indicators of tangible element of value impact for each of one or more aspects of enterprise financial performance using at least a portion of said data, developing an impact summary for each of one or more elements of value using one or more of said indicators, and producing a plurality of predictive enterprise performance models using said summaries by learning from the data

where the predictive enterprise performance models enable an integrated analysis and management of an enterprise market value, an enterprise current operation, one or more real options, and a market sentiment. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 232,   Ranger discloses wherein the method further comprises using one or more enterprise performance models to identify one or more transactions that will optimize the value of one or more subsets of enterprise market value where the one or more subsets of value are selected from the group consisting of current operation(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) real option, market sentiment and combinations thereof aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 233,   Ranger discloses where an enterprise further comprises a single product, a group of products, a division or a company. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 234,   Ranger discloses wherein a plurality of transaction data are aggregated in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 235,   Ranger discloses wherein a plurality of management systems for a commercial enterprise are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement

planning systems (MRP), quality control systems(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, ' purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 236, Ranger discloses wherein one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 237, Ranger discloses wherein a plurality of tangible indicators of element of value impact are selected from the group consisting of composite variables, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, transaction patterns, geospatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time period, cumulative total values, period to period rates of change and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 238, Ranger discloses wherein a plurality of predictive enterprise performance models further comprise a plurality of predictive models selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 239, Ranger discloses 239wherein the method further comprises using one or more enterprise performance models to complete a useful task selected from the group consisting of: forecasting an expected change in an enterprise value after a user specified change, calculating a value contribution for each element of value, creating a list of element value driver changes that will optimize the value of one or more aspects of enterprise financial performance, creating a plurality of management reports and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 248, Ranger discloses an intelligent enterprise method, the enterprise experiencing a plurality of events in association with its operation, the method comprising: integrating, converting and storing a plurality of transaction data;
analyzing at least a portion of the data as required to identify one or more value drivers for each of one or more elements of value of said enterprise using a series of models, creating a performance model for an enterprise revenue and for each of one or more subsets of enterprise value see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) and using the performance models to complete a useful task selected from the group consisting of: forecasting an expected change in one or more subsets of an enterprise market value after a user specified change, calculating a value contribution of each element of value to each subset of enterprise value see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) creating a list of element value driver changes that will optimize the value of one or more subsets of enterprise value, creating a plurality of management reports and combinations thereof where the one or more subsets of enterprise value are a current operation and subsets of value selected from the group consisting of real option, market sentiment and combinations thereof, where each performance model uses value drivers by element of value alone or in combination as an input, and where a series of models further comprises a one or more predictive models and one or more causal models. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 249, Ranger discloses wherein one or more elements of value are selected from the group consisting of brands, customers, customer relationships, employees, employee relationships, intellectual capital, intellectual property, partners, processes, vendors, vendor relationships and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 250, Ranger wherein storing a plurality of transaction data further comprises storing data in an application database that makes the data accessible and available for extraction and analysis so as to provide a coherent view of the event information for an enterprise. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 251, Ranger discloses wherein integrating, converting and storing a plurality of transaction data further comprises using metadata mapping to integrate and

convert said transaction data in accordance with a common schema defined with a metadata standard that defines a common data dictionary that includes common attributes selected from the group consisting of elements of value, components of value, currencies, units of measure, time periods, dates and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 252, Ranger discloses wherein analyzing the information related to the plurality of events further comprises initializing and evolving a series of predictive models for each of one or more aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6

lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 253, Ranger discloses wherein integrating, converting and storing a plurality of transaction data further comprises using metadata mapping to integrate, convert and store data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 254, Ranger discloses wherein the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 189-193, 195-200, 221-230, and 240-247, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranger U.S. Patent 6, 301, 584 in view of Chennault US Patent 5, 930, 774.

As per claim 189, Ranger discloses a computer readable medium, tangibly embodying a program of instructions executable by a machine to perform the method steps in a management method, comprising:

obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing(see column 14 lines 33-47 and see column 5 lines 42-67 and column 6

lines 1-34) the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise; and

enterprise market value contributed by each of the elements of value by using at least some of the data to analyze enterprise financial performance with a series of models and where a plurality of elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof and a market sentiment. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Ranger fail to explicitly teach identifying a percentage where the percentage of enterprise market value contributed by each element of value further comprise an separate element of value contribution to a current operation category of value, and one or more real options.

However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples,

services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ranger to identifying a percentage where the percentage of enterprise market value contributed by each element of value further comprise an separate element of value contribution to a current operation category of value, and one or more real options taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 190, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises determining a discount rate for a real option valuation as a function of an element of value profile of the enterprise and the real option. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 191, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises using output from a predictive model that has been selected by a tournament to determine a percentage of a component of value level contributed by an element of value over a sequential period of time where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof, and where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis;

Bayes models, support vector method, multivalent models and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 192, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value in an automated fashion by using a series of predictive models to learn from the data.(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 193, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value and using said impact summaries to create a causal predictive model for each of one or more aspects of enterprise financial performance see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) where the aspects of financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 195, Ranger discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing further comprises using metadata mapping to integrate data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 196, Ranger discloses wherein the method further comprises: calculating a market value contribution for a plurality of elements of value using an identified percentage contribution for each element of value; and

displaying the market value contributions for each of a plurality of element of value using a paper document or an electronic display in a balance sheet format that includes a value for each element of value together with a value for each of a plurality of tangible assets. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 197, Ranger discloses wherein a plurality of tangible assets are selected from the group consisting of accounts receivable, cash, inventory, marketable securities, prepaid expenses, production equipment and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 198, Ranger discloses wherein the method further comprises: tracking a change in a market value contribution for each element of value over time; and display a report showing the changes in market value contribution by element of value over time using a paper document or an electronic display. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 199, Ranger discloses wherein a report showing a change in market value contribution by element of value over time further comprises a value creation statement or an income statement. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof; and

where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see

column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 200, Ranger discloses wherein a series of models further comprises a plurality of network models, a plurality of causal models and optionally one or more data envelopement analysis models. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 221, Ranger discloses an enterprise system, comprising a computer with a processor having circuitry to execute instructions; a storage device available to said processor with sequences of instructions stored therein, which when executed cause the processor to: obtain a plurality of data related to a value of a business enterprise in a format suitable for processing, the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise(see column 14 lines 33-47 and see column 5 lines 42-67 and column 6 lines 1-34) and enterprise market value contributed by each of the elements of value by using at least some of the data to analyze enterprise financial performance with a series of models where the percentage of enterprise market value contributed by each element of value further comprise a separate element of value contribution to: a current operation category of value, one or more real options, and optionally a market sentiment, and where a plurality of elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Ranger fail to explicitly teach identify a percentage.

However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's

portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ranger to identify a percentage taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 222, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises determining a discount rate for a real option valuation as a function of an element of value profile of the enterprise and the real option. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 223, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises using output from a predictive model that has been selected by a tournament to determine a percentage of a component of value level contributed by an element of value over a sequential period of time where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) and where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 224, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value in an automated fashion by learning from the data. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 225, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value and using said impact summaries as an input to a plurality of predictive models for each of one or more aspects of enterprise financial performance where the aspects of financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see

column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 226,   Ranger wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing further comprises using metadata mapping to integrate data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 227,   Ranger discloses wherein additional instructions cause the processors to:

calculate a market value contribution for a plurality of elements of value using an identified percentage contribution for each element of value; and

display the market value contributions for each of a plurality of element of value using a paper document or an electronic display. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 228,   Ranger discloses wherein a display of market value contributions for each element of value further comprises displaying a balance sheet that includes a value for each element of value together with a value for each of a plurality of tangible assets. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim   229,   Ranger discloses wherein a display of market value contributions for each element of value further comprises displaying a balance sheet that includes a value for each element of value together with a value for each of one or more tangible assets where the tangible assets are selected from the group consisting of accounts receivable, cash, inventory, marketable securities, prepaid expenses, production equipment and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 230, Ranger discloses wherein additional instructions cause the processors to:

track a change in a market value contribution for each element of value over time; and

display a report showing the changes in market value contribution by element of value over time using a paper document or an electronic display in a value creation statement or income statement format. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 240 Ranger discloses an enterprise method, comprising:

obtaining a plurality of data related to a value of a business enterprise in a format suitable for analysis, the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) and enterprise revenue and an enterprise market value contributed by each element of value by using at least some of the data to analyze enterprise financial performance with a series of models

where the percentage of an enterprise market value contributed by each element of value further comprises a separate element of value contribution to: a current operation category of value, one or more real options, and optionally a market sentiment(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) and where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Ranger fail to explicitly teach identify a percentage.

However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued

by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ranger to identify a percentage taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 241   Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises:

determining a discount rate for use in a real option valuation as a function of an element of value profile of an enterprise and the real option see column 2 lines 15-59 and column

3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) calculating a value for a real option using the calculated discount rate and a cost of capital for the enterprise; and

identifying a value contribution to a real option value by element of value by comparing the two valuations. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 242 Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises using output from a predictive model to determine a percentage of a component of value level contributed by each element of value over a sequential period of time. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 243 Ranger discloses wherein identifying a percentage of enterprise market value contributed by each element of value from a plurality of elements of value further comprises creating a summary of element of value impact on enterprise financial performance for each element of value. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 244 Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises creating a summary of element of value impact on enterprise financial performance see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) for each element of value and using said impact summaries as an input to a network model for an aspect of enterprise financial performance selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6

lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 245 Ranger discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for analysis further comprises integrating and converting data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 246 Ranger discloses wherein the method further comprises: calculating a market value contribution for each element of value from a plurality of elements of value using an identified percentage contribution for each element of value to one or more subsets of an enterprise market value; and
creating a balance sheet that includes a value for each element of value. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 247 Ranger discloses wherein the method further comprises tracking a change in market value contribution for each element of value from a plurality of elements of value over time and creating a report showing the changes in market value contribution by element of value over time in a value creation statement or income statement format. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Conclusion

Response to Arguments

6   Response to arguments filed 8/25/2006 has been considered but they are moot in view of new grounds of rejections.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Oct 19, 2006

FRANTZY POINVIL
PRIMARY EXAMINER

AU 3692

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,930,774	07-1999	Chennault, William C.	705/36R
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims (continued)

Application/Control No.	Applicant(s)/Patent under Reexamination
10/441,385	EDER, JEFF SCOTT
Examiner	**Art Unit**
Clement B. Graham	3692

√	Rejected	−	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim Final	Claim Original	Date 10/20/06	Claim Final	Claim Original	Date	Claim Final	Claim Original	Date
	151			201	√		251	√
	152			202	√		252	√
	153			203	√		253	√
	154			204	√		254	√
	155			205	√		255	
	156			206	√		256	
	157			207	√		257	
	158			208	√		258	
	159			209	√		259	
	160			210	√		260	
	161			211	√		261	
	162			212	√		262	
	163			213	√		263	
	164			214	√		264	
	165			215	√		265	
	166			216	√		266	
	167			217	√		267	
	168			218	√		268	
	169			219	√		269	
	170			220	√		270	
	171			221	√		271	
	172			222	√		272	
	173			223	√		273	
	174			224	√		274	
	175			225	√		275	
	176			226	√		276	
	177			227	√		277	
	178			228	√		278	
	179			229	√		279	
	180			230	√		280	
	181			231	√		281	
	182			232	√		282	
	183			233	√		283	
	184			234	√		284	
	185			235	√		285	
√	186			236	√		286	
√	187			237	√		287	
√	188			238	√		288	
√	189			239	√		289	
√	190			240	√		290	
√	191			241	√		291	
√	192			242	√		292	
√	193			243	√		293	
	194			244	√		294	
√	195			245	√		295	
√	196			246	√		296	
√	197			247	√		297	
√	198			248	√		298	
√	199			249	√		299	
√	200			250	√		300	

Index of Claims

Application/Control No.	**Applicant(s)/Patent under Reexamination**
10/441,385	EDER, JEFF SCOTT
Examiner	**Art Unit**
Clement B. Graham	3692

√ Rejected	— (Through numeral) Cancelled	N Non-Elected	A Appeal	
= Allowed	÷ Restricted	I Interference	O Objected	

Final	Original	Date
	1	
	2	
	3	
	4	
	5	
	6	
	7	
	8	
	9	
	10	
	11	
	12	
	13	
	14	
	15	
	16	
	17	
	18	
	19	
	20	
	21	
	22	
	23	
	24	
	25	
	26	
	27	
	28	
	29	
	30	
	31	
	32	
	33	
	34	
	35	
	36	
	37	
	38	
	39	
	40	
	41	
	42	
	43	
	44	
	45	
	46	
	47	
	48	
	49	
	50	

Final	Original	Date
	51	
	52	
	53	
	54	
	55	
	56	
	57	
	58	
	59	
	60	
	61	
	62	
	63	
	64	
	65	
	66	
	67	
	68	
	69	
	70	
	71	
	72	
	73	
	74	
	75	
	76	
	77	
	78	
	79	
	80	
	81	
	82	
	83	
	84	
	85	
	86	
	87	
	88	
	89	
	90	
	91	
	92	
	93	
	94	
	95	
	96	
	97	
	98	
	99	
	100	

Final	Original	Date
	101	
	102	
	103	
	104	
	105	
	106	
	107	
	108	
	109	
	110	
	111	
	112	
	113	
	114	
	115	
	116	
	117	
	118	
	119	
	120	
	121	
	122	
	123	
	124	
	125	
	126	
	127	
	128	
	129	
	130	
	131	
	132	
	133	
	134	
	135	
	136	
	137	
	138	
	139	
	140	
	141	
	142	
	143	
	144	
	145	
	146	
	147	
	148	
	149	
	150	

Search Notes

Application/Control No.	Applicant(s)/Patent under Reexamination
10/441,385	EDER, JEFF SCOTT
Examiner	Art Unit
Clement B. Graham	3692

SEARCHED			
Class	Subclass	Date	Examiner
705	37	10/16/2006	CG
705	38	10/17/2006	CG
705	35	10/18/2006	CG

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
See attached west search notes	10/20/2006	CG

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

PTO/SB/06 (12-04)
Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD
Substitute for Form PTO-875

Application or Docket Number: 10/441,385

APPLICATION AS FILED – PART I

8.25.06

FOR	NUMBER FILED (Column 1)	NUMBER EXTRA (Column 2)	SMALL ENTITY RATE ($)	SMALL ENTITY FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))							
SEARCH FEE (37 CFR 1.16(k), (i), or (m))							
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))							
TOTAL CLAIMS (37 CFR 1.16(i))	70 minus 20 =	0	x 25 =		OR	x 50 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	7 minus 3 =	0	x 100 =			x 200 =	
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			180			360	
			TOTAL			TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED – PART II

AMENDMENT A

	CLAIMS REMAINING AFTER AMENDMENT (Column 1)		HIGHEST NUMBER PREVIOUSLY PAID FOR (Column 2)	PRESENT EXTRA (Column 3)	SMALL ENTITY RATE ($)	ADDI-TIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDI-TIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	x 25 =		OR	x 50 =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	x 100 =		OR	x 200 =	
Application Size Fee (37 CFR 1.16(s))									
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					180		OR	360	
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

AMENDMENT B

	CLAIMS REMAINING AFTER AMENDMENT (Column 1)		HIGHEST NUMBER PREVIOUSLY PAID FOR (Column 2)	PRESENT EXTRA (Column 3)	SMALL ENTITY RATE ($)	ADDI-TIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDI-TIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	x 25 =		OR	x 50 =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	x 100 =		OR	x 200 =	
Application Size Fee (37 CFR 1.16(s))									
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					180		OR	360	
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/441,385	05/20/2003	Jeff Scott Eder	VM-53	6229

53787 7590 02/27/2007	EXAMINER	
ASSET TRUST, INC.	GRAHAM, CLEMENT B	
2020 MALTBY ROAD	ART UNIT	PAPER NUMBER
SUITE 7362	3692	
BOTHELL, WA 98021		

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/441,385	EDER, JEFF SCOTT
	Examiner	**Art Unit**
	Clement B. Graham	3692

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 December 2006</u>.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>186-193 and 195-254</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>186-193 and 195-254</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 186-193, 195-254 remained pending.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 186, 189, 201, 220, 231, 240, 248, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claims 55 recites "integrating and converting, aggregating, ", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 112

3   The following is a quotation of the second paragraph of 35 U.S.C. 112:
       The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 186, 189, 201, 220, 231, 240, 248, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
       In particular, Claims 186, 189, 201, 220, 231, 240, 248, recites the words [" enterprise related transacted data, specifications, at least some data, net relative contribution, related value, format suitable for processing, using at least a portion of said data, useful task "].
However this language fails to distinctly claim Applicant's invention because the scope of the claim is unclear. Moreover the specification fails to clarify, the meaning of the limitations. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 186-188, 201-220, 201-220, are rejected under 35 U.S.C. 102(b) as being anticipated by Lyons et al (Hereinafter Lyons U.S. Patent 4, 989, 141).

As per claim 186, Lyons discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform the method steps in a data processing method, comprising:

integrating, converting and storing enterprise related transaction data in accordance with a common xml schema(see abstract and (see column 5-11)to support organization processing (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) where a set of integration and conversion rules are established using a metadata and conversion rules window and saved in a metadata mapping table (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

where at least some data are pre-specified for integration and conversion, and where the integrated data is stored in a central repository(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 187, Lyons discloses wherein a common schema further comprises a network schema that is defined using an xml, metadata or metadata coalition standard(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 188, Lyons discloses further comprises a bot. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 201, Lyons discloses a financial performance method, comprising: integrating data from a plurality of enterprise related data sources, and calculating a net relative contribution for each of one or more elements of value to each of one or more aspects of enterprise financial performance using a series of models to analyze at least a portion of said data where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof, and where the series of models are predictive models, causal models and optionally data envelopement analysis models. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 202, Lyons discloses wherein a net relative contribution is a relative direct contribution of an element of value to an aspect of enterprise financial performance net of any contribution to one or more other elements of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 203, Lyons discloses wherein the method further comprises: calculating a value of each element of value using a net relative contribution for each of one or more aspects of financial performance, and displaying the value of the elements of value using a paper document or electronic display. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 204, Lyons discloses wherein the method further comprises: identifying a list of changes to the elements of value that will optimize one or more aspects of enterprise financial performance, and   displaying the list of changes using a paper document or electronic display. (see columns 5-11 column 7 line 1 to column 9 line 17

and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 205, Lyons discloses wherein integrating data from a plurality of enterprise related data source further comprises integrating data in accordance with a common xml schema. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 206, Lyons discloses wherein a common xml schema includes a data dictionary. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 207, Lyons discloses wherein a data dictionary defines standard data attributes from the group consisting of account numbers, components of value, currencies, elements of value, enterprise designations, time periods, units of measure and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 208, Lyons discloses where an xml schema is defined using an xml metadata standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 209, Lyons discloses wherein a plurality of enterprise related data sources are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems, sales management systems, human resource systems, accounts

receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 210, Lyons discloses wherein each of one or more elements of value are optionally clustered into sub-elements of value for more detailed analysis. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 211, Lyons discloses wherein an aspect of enterprise financial performance is selected from the group consisting of revenue, expense, capital change, current operation value, real option value, market sentiment value, market value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 212, Lyons discloses wherein calculating a net relative contribution of each of one or more elements of value to each of one or more subsets of enterprise market value aspects of enterprise financial performance further comprises:
creating one or more tangible measures of element of value impact,
using a series of models to select tangible indicators of element of value impact, identifying a level of interaction between elements of value(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) identifying a concrete summary measure for each element of value as a function of the level of interaction between elements of value, initializing and training predictive models that use the concrete summary measures of element impact as inputs for modeling one or more aspects of enterprise financial performance a current operation subset of value by a component of value and a market sentiment subset of value(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and using the weights from a best fit predictive model to identify a net relative

contribution by element of value to each of the one or more aspects of enterprise financial performance a current operation subset of value by a component of value and a market sentiment subset of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 213, Lyons discloses wherein a tangible indicator of element of value impact is selected from the group consisting of composite variables, transaction ratios, transaction trends, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, patterns, geospatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time periods, cumulative total values, period to period rates of change and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 214, Lyons discloses wherein a series of models used to select tangible indicators further comprises a predictive model to select candidates and a causal models to finalize the selection. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 215, Lyons discloses wherein a predictive model is selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 216, Lyons discloses wherein a causal model is selected from the group consisting of Bayes, minimum message length and path analysis. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 217, Lyons discloses wherein one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, market value, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 218, Lyons discloses wherein a series of models are developed in an automated fashion by learning from the data. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 219, Lyons discloses wherein a list of changes to the elements of value that will optimize the value one or more aspects of enterprise financial performance further comprise a list of changes to one or more value drivers for each element of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 220, Lyons discloses wherein an enterprise further comprises a single product, a group of products, a division or a company. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 231, Lyons discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform the method steps in a management method, comprising:
aggregating a plurality of transaction data from a plurality of management systems for a commercial enterprise(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)
(identifying a plurality of indicators of tangible element of value impact for each of one or more aspects of enterprise financial performance using at least a portion of said data, developing an impact summary for each of one or more elements of value using one or more of said indicators, and producing a plurality of predictive enterprise performance

models using said summaries by learning from the data where the predictive enterprise performance models enable an integrated analysis and management of an enterprise market value, an enterprise current operation, one or more real options, and a market sentiment. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 232, Lyons discloses wherein the method further comprises using one or more enterprise performance models to identify one or more transactions that will optimize the value of one or more subsets of enterprise market value where the one or more subsets of value are selected from the group consisting of current operation(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) real option, market sentiment and combinations thereof aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 233, Lyons discloses where an enterprise further comprises a single product, a group of products, a division or a company. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).
(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 234, Lyons discloses wherein a plurality of transaction data are aggregated in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9

lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 235, Lyons discloses wherein a plurality of management systems for a commercial enterprise are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, ' purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 236, Lyons discloses wherein one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 237, Lyons discloses wherein a plurality of tangible indicators of element of value impact are selected from the group consisting of composite variables, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, transaction patterns, geospatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time period, cumulative

total values, period to period rates of change and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 238, Lyons discloses wherein a plurality of predictive enterprise performance models further comprise a plurality of predictive models selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 239, Lyons discloses 239wherein the method further comprises using one or more enterprise performance models to complete a useful task selected from the group consisting of: forecasting an expected change in an enterprise value after a user specified change, calculating a value contribution for each element of value, creating a list of element value driver changes that will optimize the value of one or more aspects of enterprise financial performance, creating a plurality of management reports and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 248, Lyons discloses an intelligent enterprise method, the enterprise experiencing a plurality of events in association with its operation, the method comprising:
integrating, converting and storing a plurality of transaction data;
analyzing at least a portion of the data as required to identify one or more value drivers for each of one or more elements of value of said enterprise using a series of models,

creating a performance model for an enterprise revenue and for each of one or more subsets of enterprise value (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

and using the performance models to complete a useful task selected from the group consisting of: forecasting an expected change in one or more subsets of an enterprise market value after a user specified change, calculating a value contribution of each element of value to each subset of enterprise value (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

creating a list of element value driver changes that will optimize the value of one or more subsets of enterprise value, creating a plurality of management reports and combinations thereof where the one or more subsets of enterprise value are a current operation and subsets of value selected from the group consisting of real option, market sentiment and combinations thereof, where each performance model uses value drivers by element of value alone or in combination as an input, and where a series of models further comprises a one or more predictive models and one or more causal models. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 249, Lyons discloses wherein one or more elements of value are selected from the group consisting of brands, customers, customer relationships, employees, employee relationships, intellectual capital, intellectual property, partners, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 250, Lyons wherein storing a plurality of transaction data further comprises storing data in an application database that makes the data accessible and available for extraction and analysis so as to provide a coherent view of the event information for an enterprise. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 251, Lyons discloses wherein integrating, converting and storing a plurality of transaction data further comprises using metadata mapping to integrate and

convert said transaction data in accordance with a common schema defined with a metadata standard that defines a common data dictionary that includes common attributes selected from the group consisting of elements of value, components of value, currencies, units of measure, time periods, dates and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 252, Lyons discloses wherein analyzing the information related to the plurality of events further comprises initializing and evolving a series of predictive models for each of one or more aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 253, Lyons discloses wherein integrating, converting and storing a plurality of transaction data further comprises using metadata mapping to integrate, convert and store data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 254, Lyons discloses wherein the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see

columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 189-193, 195-200, 221-230, and 240-247, are rejected under 35 U.S.C.

103(a) as being unpatentable over Lyons et al (Hereinafter Lyons U.S. Patent 4, 989,

141) in view of Chennault US Patent 5, 930, 774.

As per claim 189, Lyons discloses a computer readable medium, tangibly

embodying a program of instructions executable by a machine to perform the method steps

in a management method, comprising:

obtaining a plurality of data related to a value of a business enterprise in a format suitable

for processing(see column 14 lines 33-47 and see column 5 lines 42-67 and column 6

lines 1-34) the business enterprise having a plurality of elements of value contributing to a

market value of the business enterprise; and

enterprise market value contributed by each of the elements of value by using at least

some of the data to analyze enterprise financial performance with a series of models

and where a plurality of elements of value are selected from the group consisting of

alliances, brands, channels, customers, customer relationships, employees, employee

relationships, information, intellectual property, partnerships, processes, vendors,

vendor relationships and combinations thereof and a market sentiment. (see columns 5-

11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-

15 and column 21-22 and column 5-6 and column 4-5).

Lyons fail to explicitly teach identifying a percentage where the percentage of

enterprise market value contributed by each element of value further comprise an separate

element of value contribution to a current operation category of value, and one or more real options.

However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lyons to identifying a percentage where the percentage of enterprise market value contributed by each element of value further comprise an separate element of value contribution to a current operation category of

value, and one or more real options taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 190, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises determining a discount rate for a real option valuation as a function of an element of value profile of the enterprise and the real option. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 191, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises using output from a predictive model that has been selected by a tournament to determine a percentage of a component of value level contributed by an element of value over a sequential period of time where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof, and where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 192, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value in an automated fashion by using a series of predictive models to learn from the data. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 193, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises

creating a summary of an element of value impact on enterprise financial performance for each element of value and using said impact summaries to create a causal predictive model for each of one or more aspects of enterprise financial performance (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) where the aspects of financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 195, Lyons discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing further comprises using metadata mapping to integrate data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 196, Lyons discloses wherein the method further comprises: calculating a market value contribution for a plurality of elements of value using an identified percentage contribution for each element of value; and

displaying the market value contributions for each of a plurality of element of value using a paper document or an electronic display in a balance sheet format that includes a value for each element of value together with a value for each of a plurality of tangible assets. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 197, Lyons discloses wherein a plurality of tangible assets are selected from the group consisting of accounts receivable, cash, inventory, marketable securities, prepaid expenses, production equipment and combinations thereof. (see

columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 198, Lyons discloses wherein the method further comprises: tracking a change in a market value contribution for each element of value over time; and display a report showing the changes in market value contribution by element of value over time using a paper document or an electronic display. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 199, Lyons discloses wherein a report showing a change in market value contribution by element of value over time further comprises a value creation statement or an income statement. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof; and

where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 200, Lyons discloses wherein a series of models further comprises a plurality of network models, a plurality of causal models and optionally one or more data envelopement analysis models. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 221, Lyons discloses an enterprise system, comprising a computer with a processor having circuitry to execute instructions; a storage device available to said processor with sequences of instructions stored therein, which when executed cause the processor to: obtain a plurality of data related to a value of a business enterprise in a format

suitable for processing, the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

and enterprise market value contributed by each of the elements of value by using at least some of the data to analyze enterprise financial performance with a series of models where the percentage of enterprise market value contributed by each element of value further comprise a separate element of value contribution to: a current operation category of value, one or more real options, and optionally a market sentiment, and where a plurality of elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

Lyons fail to explicitly teach identify a percentage.
However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now

commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lyons to identify a percentage taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 222, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises determining a discount rate for a real option valuation as a function of an element of value profile of the enterprise and the real option. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 223, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises using output from a predictive model that has been selected by a tournament to determine a percentage of a component of value level contributed by an element of value over a sequential period of time where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and where predictive models are selected from the group consisting of neural networks; regression models, generalized

autoregressive conditional heteroskedasticity, generalized additive models; multivariate·
adaptive regression splines, rough-set analysis; Bayes models, support vector method,
multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to
column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22
and column 5-6 and column 4-5).

As per claim 224, Lyons discloses wherein identifying a percentage of an enterprise
market value contributed by each of a plurality of elements of value further comprises
creating a summary of an element of value impact on enterprise financial performance for
each element of value in an automated fashion by learning from the data. (see columns 5-
11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-
15 and column 21-22 and column 5-6 and column 4-5).

As per claim 225, Lyons discloses wherein identifying a percentage of an ·
enterprise market value contributed by each of a plurality of elements of value further
comprises creating a summary of an element of value impact on enterprise financial
performance for each element of value and using said impact summaries as an input to a
plurality of predictive models for each of one or more aspects of enterprise financial
performance where the aspects of financial performance are selected from the group
consisting of revenue, expense, capital change, cash flow, future value, value, raw material
expense, manufacturing expense, service delivery expense, sales expense, support
expense, other expense, change in cash, change in non-cash financial assets, current
operation value, real option value, market sentiment value and combinations thereof. (see
columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column
10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 226, Lyons wherein obtaining a plurality of data related to a value of a
business enterprise in a format suitable for processing further comprises using metadata
mapping to integrate data from a plurality of enterprise systems in accordance with a
schema defined by a metadata standard where the metadata standard is selected from the
group consisting of xml, corba and metadata coalition standard. (see columns 5-11
column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15
and column 21-22 and column 5-6 and column 4-5).

As per claim 227, Lyons discloses wherein additional instructions cause the processors to:

calculate a market value contribution for a plurality of elements of value using an identified percentage contribution for each element of value; and

display the market value contributions for each of a plurality of element of value using a paper document or an electronic display. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 228, Lyons discloses wherein a display of market value contributions for each element of value further comprises displaying a balance sheet that includes a value for each element of value together with a value for each of a plurality of tangible assets. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 229, Lyons discloses wherein a display of market value contributions for each element of value further comprises displaying a balance sheet that includes a value for each element of value together with a value for each of one or more tangible assets where the tangible assets are selected from the group consisting of accounts receivable, cash, inventory, marketable securities, prepaid expenses, production equipment and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 230, Lyons discloses wherein additional instructions cause the processors to:

track a change in a market value contribution for each element of value over time; and

display a report showing the changes in market value contribution by element of value over time using a paper document or an electronic display in a value creation statement or income statement format. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 240 Lyons discloses an enterprise method, comprising:

obtaining a plurality of data related to a value of a business enterprise in a format suitable for analysis, the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and enterprise revenue and an enterprise market value contributed by each element of value by using at least some of the data to analyze enterprise financial performance with a series of models where the percentage of an enterprise market value contributed by each element of value further comprises a separate element of value contribution to: a current operation category of value, one or more real options, and optionally a market sentiment (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

Lyons fail to explicitly teach identify a percentage.

However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities

held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lyons to identify a percentage taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 241 Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises:

determining a discount rate for use in a real option valuation as a function of an element of value profile of an enterprise and the real option (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) calculating a value for a real option using the calculated discount rate and a cost of capital for the enterprise; and

identifying a value contribution to a real option value by element of value by comparing the two valuations. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 242 Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises using output from a predictive model to determine a percentage of a component of value level contributed by each element of value over a sequential period of time. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 243 Lyons discloses wherein identifying a percentage of enterprise market value contributed by each element of value from a plurality of elements of value further comprises creating a summary of element of value impact on enterprise financial performance for each element of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 244 Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises creating a summary of element of value impact on enterprise financial performance (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) for each element of value and using said impact summaries as an input to a network model for an aspect of enterprise financial performance selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 245 Lyons discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for analysis further comprises integrating and converting data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line

1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 246 Lyons discloses wherein the method further comprises: calculating a market value contribution for each element of value from a plurality of elements of value using an identified percentage contribution for each element of value to one or more subsets of an enterprise market value; and

creating a balance sheet that includes a value for each element of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 247 Lyons discloses wherein the method further comprises tracking a change in market value contribution for each element of value from a plurality of elements of value over time and creating a report showing the changes in market value contribution by element of value over time in a value creation statement or income statement format. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

Conclusion

Response to Arguments

9   Response to arguments filed 12/01/2006 has been considered but they are moot in view of new grounds of rejections.

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

February 17, 2007

FRANTZY POINVIL
PRIMARY EXAMINER

		Application/Control No.	Applicant(s)/Patent Under Reexamination
Notice of References Cited		10/441,385	EDER, JEFF SCOTT
		Examiner	Art Unit	Page 1 of 1
		Clement B. Graham	3692	

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-4,989,141	01-1991	Lyons et al.	705/36R
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
PTO-892 (Rev. 01-2001)
Attachment 2

Notice of References Cited
303

Part of Paper No. 20070218

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/441,385	05/20/2003	Jeff Scott Eder	VM-53	6229

53787 7590 08/10/2007		
ASSET TRUST, INC.	EXAMINER	
2020 MALTBY ROAD	GRAHAM, CLEMENT B	
SUITE 7362		
BOTHELL, WA 98021	ART UNIT	PAPER NUMBER
	3692	

MAIL DATE	DELIVERY MODE
08/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/441,385	EDER, JEFF SCOTT
		Examiner	Art Unit	
		Clement B. Graham	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *5/26/07*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *186-193 and 195-254* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *186-193 and 195-254* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 186-193, 195-254 remained pending.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 186, 189, 201, 220, 231, 240, 248, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claims recites "integrating and converting, aggregating, ", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 112

3   The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 186, 189, 201, 220, 231, 240, 248, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claims 186, 189, 201, 220, 231, 240, 248, recites the words [" enterprise related transacted data, specifications, at least some data, net relative contribution, related value, format suitable for processing, using at least a portion of said data, useful task "].

However this language fails to distinctly claim Applicant's invention because the scope of the claim is unclear. Because these terms does not describes the data. Moreover the specification fails to clarify, the meaning of the limitations. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 186-188, 201-220, 201-220, are rejected under 35 U.S.C. 102(b) as being anticipated by Lyons et al (Hereinafter Lyons U.S. Patent 4, 989, 141).

As per claim 186, Lyons discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform the method steps in a data processing method, comprising:

integrating, converting and storing enterprise related transaction data in accordance with a common xml schema(see abstract and (see column 5-11) to support organization processing (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) where a set of integration and conversion rules are established using a metadata and conversion rules window and saved in a metadata mapping table (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

where at least some data are pre-specified for integration and conversion, and where the integrated data is stored in a central repository(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 187, Lyons discloses wherein a common schema further comprises a network schema that is defined using an xml, metadata or metadata coalition standard(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 188, Lyons discloses further comprises a bot. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 201,   Lyons discloses a financial performance method, comprising: integrating data from a plurality of enterprise related data sources, and

calculating a net relative contribution for each of one or more elements of value to each of one or more aspects of enterprise financial performance using a series of models to analyze at least a portion of said data where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof, and where the series of models are predictive models, causal models and optionally data envelopement analysis models. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 202, Lyons discloses wherein a net relative contribution is a relative direct contribution of an element of value to an aspect of enterprise financial performance net of any contribution to one or more other elements of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 203, Lyons discloses wherein the method further comprises: calculating a value of each element of value using a net relative contribution for each of one or more aspects of financial performance, and
 displaying the value of the elements of value using a paper document or electronic display. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 204, Lyons discloses wherein the method further comprises: identifying a list of changes to the elements of value that will optimize one or more aspects of enterprise financial performance, and   displaying the list of changes using a paper document or electronic display. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 205, Lyons discloses wherein integrating data from a plurality of enterprise related data source further comprises integrating data in accordance with a common xml schema. (see columns 5-11 column 7 line 1 to column 9 line 17 and

column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 206, Lyons discloses wherein a common xml schema includes a data dictionary. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 207, Lyons discloses wherein a data dictionary defines standard data attributes from the group consisting of account numbers, components of value, currencies, elements of value, enterprise designations, time periods, units of measure and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 208, Lyons discloses where an xml schema is defined using an xml metadata standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 209, Lyons discloses wherein a plurality of enterprise related data sources are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 210, Lyons discloses wherein each of one or more elements of value are optionally clustered into sub-elements of value for more detailed analysis. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 211, Lyons discloses wherein an aspect of enterprise financial performance is selected from the group consisting of revenue, expense, capital change, current operation value, real option value, market sentiment value, market value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 212, Lyons discloses wherein calculating a net relative contribution of each of one or more elements of value to each of one or more subsets of enterprise market value aspects of enterprise financial performance further comprises:
creating one or more tangible measures of element of value impact,
using a series of models to select tangible indicators of element of value impact, identifying a level of interaction between elements of value(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) identifying a concrete summary measure for each element of value as a function of the level of interaction between elements of value, initializing and training predictive models that use the concrete summary measures of element impact as inputs for modeling one or more aspects of enterprise financial performance a current operation subset of value by a component of value and a market sentiment subset of value(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and using the weights from a best fit predictive model to identify a net relative contribution by element of value to each of the one or more aspects of enterprise financial performance a current operation subset of value by a component of value and a market sentiment subset of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 213, Lyons discloses wherein a tangible indicator of element of value impact is selected from the group consisting of composite variables, transaction ratios, transaction trends, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, patterns, geospatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time periods, cumulative total values, period to period rates of change and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 214, Lyons discloses wherein a series of models used to select tangible indicators further comprises a predictive model to select candidates and a causal models to finalize the selection. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 215, Lyons discloses wherein a predictive model is selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 216, Lyons discloses wherein a causal model is selected from the group consisting of Bayes, minimum message length and path analysis. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 217, Lyons discloses wherein one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, market value, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and

column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 218, Lyons discloses wherein a series of models are developed in an automated fashion by learning from the data. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 219, Lyons discloses wherein a list of changes to the elements of value that will optimize the value one or more aspects of enterprise financial performance further comprise a list of changes to one or more value drivers for each element of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 220, Lyons discloses wherein an enterprise further comprises a single product, a group of products, a division or a company. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 231, Lyons discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform the method steps in a management method, comprising:
aggregating a plurality of transaction data from a plurality of management systems for a commercial enterprise(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)
(identifying a plurality of indicators of tangible element of value impact for each of one or more aspects of enterprise financial performance using at least a portion of said data, developing an impact summary for each of one or more elements of value using one or more of said indicators, and producing a plurality of predictive enterprise performance models using said summaries by learning from the data where the predictive enterprise performance models enable an integrated analysis and management of an enterprise market value, an enterprise current operation, one or more real options, and a market

sentiment. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 232, Lyons discloses wherein the method further comprises using one or more enterprise performance models to identify one or more transactions that will optimize the value of one or more subsets of enterprise market value where the one or more subsets of value are selected from the group consisting of current operation(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) real option, market sentiment and combinations thereof aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 233, Lyons discloses where an enterprise further comprises a single product, a group of products, a division or a company. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).
(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 234, Lyons discloses wherein a plurality of transaction data are aggregated in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 235, Lyons discloses wherein a plurality of management systems for a commercial enterprise are selected from the group consisting of advanced financial

systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, ' purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 236,   Lyons discloses wherein one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 237,   Lyons discloses wherein a plurality of tangible indicators of element of value impact are selected from the group consisting of composite variables, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, transaction patterns, geospatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time period, cumulative total values, period to period rates of change and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 238, Lyons discloses wherein a plurality of predictive enterprise performance models further comprise a plurality of predictive models selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 239, Lyons discloses 239wherein the method further comprises using one or more enterprise performance models to complete a useful task selected from the group consisting of: forecasting an expected change in an enterprise value after a user specified change, calculating a value contribution for each element of value, creating a list of element value driver changes that will optimize the value of one or more aspects of enterprise financial performance, creating a plurality of management reports and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 248, Lyons discloses an intelligent enterprise method, the enterprise experiencing a plurality of events in association with its operation, the method comprising: integrating, converting and storing a plurality of transaction data;
analyzing at least a portion of the data as required to identify one or more value drivers for each of one or more elements of value of said enterprise using a series of models,

creating a performance model for an enterprise revenue and for each of one or more subsets of enterprise value (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)
and using the performance models to complete a useful task selected from the group consisting of: forecasting an expected change in one or more subsets of an enterprise market value after a user specified change, calculating a value contribution of each element of value to each subset of enterprise value (see columns 5-11 column 7 line 1 to column

9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

creating a list of element value driver changes that will optimize the value of one or more subsets of enterprise value, creating a plurality of management reports and combinations thereof where the one or more subsets of enterprise value are a current operation and subsets of value selected from the group consisting of real option, market sentiment and combinations thereof, where each performance model uses value drivers by element of value alone or in combination as an input, and where a series of models further comprises a one or more predictive models and one or more causal models. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 249, Lyons discloses wherein one or more elements of value are selected from the group consisting of brands, customers, customer relationships, employees, employee relationships, intellectual capital, intellectual property, partners, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 250, Lyons wherein storing a plurality of transaction data further comprises storing data in an application database that makes the data accessible and available for extraction and analysis so as to provide a coherent view of the event information for an enterprise. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 251, Lyons discloses wherein integrating, converting and storing a plurality of transaction data further comprises using metadata mapping to integrate and convert said transaction data in accordance with a common schema defined with a metadata standard that defines a common data dictionary that includes common attributes selected from the group consisting of elements of value, components of value, currencies, units of measure, time periods, dates and combinations thereof. (see columns 5-11

column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 252, Lyons discloses wherein analyzing the information related to the plurality of events further comprises initializing and evolving a series of predictive models for each of one or more aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 253, Lyons discloses wherein integrating, converting and storing a plurality of transaction data further comprises using metadata mapping to integrate, convert and store data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 254, Lyons discloses wherein the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

8.   Claims 189-193, 195-200, 221-230, and 240-247, are rejected under 35 U.S.C.

103(a) as being unpatentable over Lyons et al (Hereinafter Lyons U.S. Patent 4, 989,

141) in view of Chennault US Patent 5, 930, 774.

As per claim 189, Lyons discloses a computer readable medium, tangibly

embodying a program of instructions executable by a machine to perform the method steps

in a management method, comprising:

obtaining a plurality of data related to a value of a business enterprise in a format suitable

for processing(see column 14 lines 33-47 and see column 5 lines 42-67 and column 6

lines 1-34) the business enterprise having a plurality of elements of value contributing to a

market value of the business enterprise; and

enterprise market value contributed by each of the elements of value by using at least

some of the data to analyze enterprise financial performance with a series of models

and where a plurality of elements of value are selected from the group consisting of

alliances, brands, channels, customers, customer relationships, employees, employee

relationships, information, intellectual property, partnerships, processes, vendors,

vendor relationships and combinations thereof and a market sentiment. (see columns 5-

11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-

15 and column 21-22 and column 5-6 and column 4-5).

Lyons fail to explicitly teach identifying a percentage where the percentage of

enterprise market value contributed by each element of value further comprise an separate

element of value contribution to a current operation category of value, and one or more real

options.

However Chennault discloses third, as shown in a step the Overlap Compiler: (a)

selects the first two mutual funds in the new data base; (b) utilizes proprietary

calculations to calculate from the data on the Morningstar Ondisc report each selected

mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lyons to identifying a percentage where the percentage of enterprise market value contributed by each element of value further comprise an separate element of value contribution to a current operation category of value, and one or more real options taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 190, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further

comprises determining a discount rate for a real option valuation as a function of an element of value profile of the enterprise and the real option. (see columns 5-11 column 7 line 1 to column 9 line 17　and column 9 lines 8-12　and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 191, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises using output from a predictive model that has been selected by a tournament to determine a percentage of a component of value level contributed by an element of value over a sequential period of time where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof, and where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17　and column 9 lines 8-12　and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 192, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value in an automated fashion by using a series of predictive models to learn from the data. (see columns 5-11 column 7 line 1 to column 9 line 17　and column 9 lines 8-12　and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 193, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value and using said impact summaries to create a causal predictive model for each of one or more aspects of enterprise financial performance (see columns 5-11 column 7 line 1 to column 9 line 17　and column 9 lines 8-12　and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) where the aspects of financial

performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 195, Lyons discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing further comprises using metadata mapping to integrate data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 196, Lyons discloses wherein the method further comprises: calculating a market value contribution for a plurality of elements of value using an identified percentage contribution for each element of value; and

displaying the market value contributions for each of a plurality of element of value using a paper document or an electronic display in a balance sheet format that includes a value for each element of value together with a value for each of a plurality of tangible assets. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 197, Lyons discloses wherein a plurality of tangible assets are selected from the group consisting of accounts receivable, cash, inventory, marketable securities, prepaid expenses, production equipment and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 198, Lyons discloses wherein the method further comprises: tracking a change in a market value contribution for each element of value over time; and display a report showing the changes in market value contribution by element of

value over time using a paper document or an electronic display. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 199, Lyons discloses wherein a report showing a change in market value contribution by element of value over time further comprises a value creation statement or an income statement. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof; and

where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 200, Lyons discloses wherein a series of models further comprises a plurality of network models, a plurality of causal models and optionally one or more data envelopement analysis models. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 221, Lyons discloses an enterprise system, comprising a computer with a processor having circuitry to execute instructions; a storage device available to said processor with sequences of instructions stored therein, which when executed cause the processor to: obtain a plurality of data related to a value of a business enterprise in a format suitable for processing, the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

and enterprise market value contributed by each of the elements of value by using at least some of the data to analyze enterprise financial performance with a series of models where the percentage of enterprise market value contributed by each element of value further comprise a separate element of value contribution to: a current operation category of value, one or more real options, and optionally a market sentiment, and where a plurality of elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

Lyons fail to explicitly teach identify a percentage.
However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap

Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lyons to identify a percentage taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 222, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises determining a discount rate for a real option valuation as a function of an element of value profile of the enterprise and the real option. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 223, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises using output from a predictive model that has been selected by a tournament to determine a percentage of a component of value level contributed by an element of value over a sequential period of time where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to

column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 224, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value in an automated fashion by learning from the data. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 225, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value and using said impact summaries as an input to a plurality of predictive models for each of one or more aspects of enterprise financial performance where the aspects of financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 226, Lyons wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing further comprises using metadata mapping to integrate data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 227, Lyons discloses wherein additional instructions cause the processors to:

calculate a market value contribution for a plurality of elements of value using an identified

percentage contribution for each element of value; and

display the market value contributions for each of a plurality of element of value using a

paper document or an electronic display. (see columns 5-11 column 7 line 1 to column 9

line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and

column 5-6 and column 4-5).

As per claim 228, Lyons discloses wherein a display of market value contributions

for each element of value further comprises displaying a balance sheet that includes a

value for each element of value together with a value for each of a plurality of tangible

assets. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12

and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 229, Lyons discloses wherein a display of market value contributions

for each element of value further comprises displaying a balance sheet that includes a

value for each element of value together with a value for each of one or more tangible

assets where the tangible assets are selected from the group consisting of accounts

receivable, cash, inventory, marketable securities, prepaid expenses, production equipment

and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and

column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and

column 4-5)

As per claim 230, Lyons discloses wherein additional instructions cause the

processors to:

track a change in a market value contribution for each element of value over time; and

display a report showing the changes in market value contribution by element of value over

time using a paper document or an electronic display in a value creation statement or

income statement format. (see columns 5-11 column 7 line 1 to column 9 line 17 and

column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and

column 4-5).

As per claim 240 Lyons discloses an enterprise method, comprising:

obtaining a plurality of data related to a value of a business enterprise in a format suitable

for analysis, the business enterprise having a plurality of elements of value contributing to

a market value of the business enterprise (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and enterprise revenue and an enterprise market value contributed by each element of value by using at least some of the data to analyze enterprise financial performance with a series of models where the percentage of an enterprise market value contributed by each element of value further comprises a separate element of value contribution to: a current operation category of value, one or more real options, and optionally a market sentiment (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

Lyons fail to explicitly teach identify a percentage.

However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now

commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lyons to identify a percentage taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 241 Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises:

determining a discount rate for use in a real option valuation as a function of an element of value profile of an enterprise and the real option (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) calculating a value for a real option using the calculated discount rate and a cost of capital for the enterprise; and

identifying a value contribution to a real option value by element of value by comparing the two valuations. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 242 Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises using output from a predictive model to determine a percentage of a

component of value level contributed by each element of value over a sequential period of time. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 243 Lyons discloses wherein identifying a percentage of enterprise market value contributed by each element of value from a plurality of elements of value further comprises creating a summary of element of value impact on enterprise financial performance for each element of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 244 Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises creating a summary of element of value impact on enterprise financial performance (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) for each element of value and using said impact summaries as an input to a network model for an aspect of enterprise financial performance selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 245 Lyons discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for analysis further comprises integrating and converting data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 246 Lyons discloses wherein the method further comprises:

calculating a market value contribution for each element of value from a plurality of elements of value using an identified percentage contribution for each element of value to one or more subsets of an enterprise market value; and

creating a balance sheet that includes a value for each element of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 247 Lyons discloses wherein the method further comprises tracking a change in market value contribution for each element of value from a plurality of elements of value over time and creating a report showing the changes in market value contribution by element of value over time in a value creation statement or income statement format. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

Conclusion

Response to Arguments

9   Response to arguments filed 5/26/2007 has been considered but they are moot in view of new grounds of rejections.

10. In response to Applicant's arguments that Lyons and Chennault fail to teach or suggest" integrating, converting and storing enterprise related transaction data in accordance with a common xml schema(see abstract and where a set of integration and conversion rules are established using a metadata and conversion rules window and saved in a metadata mapping table where at least some data are pre-specified for integration and conversion, and where the integrated data is stored in a central repository and each of one or more aspects of enterprise financial performance using a series of models to analyze at least a portion of said data where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof, and where the series of models are predictive models, causal models and optionally data envelopement analysis and wherein a plurality of enterprise related data sources are selected from the group consisting of advanced financial systems, basic financial systems, alliance management

systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof and analyzing the information related to the plurality of events further comprises initializing and evolving a series of predictive models for each of one or more aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change and cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof" the examiner disagrees with Applicant's because these limitations were addressed as stated.

Lyons discloses integrating, converting and storing enterprise related transaction data in accordance with a common xml schema(see abstract and (see column 5-11) to support organization processing (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) where a set of integration and conversion rules are established using a metadata and conversion rules window and saved in a metadata mapping table (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) where at least some data are pre-specified for integration and conversion, and where the integrated data is stored in a central repository(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and integrating data from a plurality of enterprise related data sources, and calculating a net relative contribution for each of one or more elements of value to each of

one or more aspects of enterprise financial performance using a series of models to analyze at least a portion of said data where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof, and where the series of models are predictive models, causal models and optionally data envelopement analysis models. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and creating one or more tangible measures of element of value impact, using a series of models to select tangible indicators of element of value impact, identifying a level of interaction between elements of value(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) identifying a concrete summary measure for each element of value as a function of the level of interaction between elements of value, initializing and training predictive models that use the concrete summary measures of element impact as inputs for modeling one or more aspects of enterprise financial performance a current operation subset of value by a component of value and a market sentiment subset of value(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and using the weights from a best fit predictive model to identify a net relative contribution by element of value to each of the one or more aspects of enterprise financial performance a current operation subset of value by a component of value and a market sentiment subset of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and using the performance models to complete a useful task selected from the group consisting of: forecasting an expected change in one or more subsets of an enterprise market value after a user specified change, calculating a value contribution of each element of value to each subset of enterprise value (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) creating a list of element value driver changes that will optimize the value of one or more subsets of

enterprise value, creating a plurality of management reports and combinations thereof where the one or more subsets of enterprise value are a current operation and subsets of value selected from the group consisting of real option, market sentiment and combinations thereof, where each performance model uses value drivers by element of value alone or in combination as an input, and where a series of models further comprises a one or more predictive models and one or more causal models. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding

the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it is clear that Applicant's claimed limitations were addressed within the teachings of Lyons and Chennault.

Further Applicants claimed limitations do not produce a useful, positive, concrete and tangible result, all Applicant, claimed limitations does is collects and store data.

10.   With respect to Applicant's second argument, Examiner respectfully submits that obviousness is not determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See In re Oetiker, 977F. 2d 1443, 1445,24 USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Hedges, 783F.2d 1038, 1039, 228 USPQ* 685, 686 (Fed. Cir.1992); In re Piaseckii, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir.1984); In re Rinehart, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976). Using this standard, the Examiner respectfully submits that he has at least satisfied the burden of presenting a prima facie case of obviousness, since he has presented evidence of corresponding claim elements in the prior art and has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed invention. Note, for example, in the instant case, the Examiner respectfully notes that each and every motivation to combine the applied references are accompanied by select portions of the respective reference(s) which specially support that particular motivation and /or an explanation based on the logic and scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness. As such, it is not seen that the Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one of ordinarily skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner, Ex pane Levengood, 28 USPQ2d 1300(Bd. Pat. App &.,4/293 Therefore the combination of reference is proper and the rejection is maintained.

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG
August 4, 2007

FRANTZY POINVIL
PRIMARY EXAMINER
Au 3692